UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/70/Add.3
18 November 1998

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Second periodic reports of States parties due in 1998

Addendum

FINLAND*

[3 August 1998]

* For the initial report submitted by the Government of Finland, please see CRC/C/8/Add.22; for the consideration of the initial report by the Committee, please see documents CRC/C/SR.282-284.

GE.98-19656 (E)

CONTENTS

		Paragraphs	Page
Introduction		1 - 7	5
I.	GENERAL MEASURES FOR THE IMPLEMENTATION OF THE PROVISIONS OF THE CONVENTION	8 - 31	6
	A. Implementation of the rights of the child (art. 4)	8 - 24	6
	B. Making the principles and provisions of the Convention widely known (art. 42)	25 - 28	9
	C. Making the report available (art. 44)	29 - 31	10
II.	DEFINITION OF THE CHILD (ARTICLE 1)	32 - 33	10
III.	GENERAL PRINCIPLES	34 - 58	10
	A. Prohibition of discrimination (art. 2)	34 - 39	10
	B. Principle of the best interests of the child (art. 3)	40 - 49	11
	C. Right to life, survival and development (art. 6)	50 - 52	13
	D. Views of the child (art. 12)	53 - 58	14
IV.	CIVIL AND POLITICAL RIGHTS	59 - 91	15
	A. Right to a name and nationality (art. 7)	59 - 61	15
	B. Preservation of identity (art. 8)	62 - 65	16
	C. Freedom of expression (art. 13)	66 - 67	17
	D. Freedom of thought, conscience and religion (art. 14)	68 - 70	17
	E. Freedom of association and assembly (art. 15)	71 - 72	17
	F. Protection of privacy (art. 16)	73 - 75	18
	G. Access to information (art. 17)	76 - 88	18
	H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a))	89 - 91	20

CONTENTS (continued)

		Paragraphs	Page
V.	FAMILY ENVIRONMENT AND SUBSTITUTE CARE	92 - 131	21
	A. Parental guidance (art. 5)	92 - 94	21
	B. Parental responsibilities (art. 18)	95 - 99	21
	C. Separation of a child from his or her parents (art. 9)	100 - 107	22
	D. Family reunification (art. 10)	108 - 109	24
	E. Illicit transfer and non-return (art. 11)	110 - 114	24
	F. Recovery of maintenance for the child (art. 27, para. 4)	115 - 118	25
	G. Children deprived of a family environment (art. 20)	119 - 122	26
	H. Adoption (art. 21)	123 - 125	26
	I. Periodic review of placement (art. 25)	126	27
	J. Violence and neglect (art. 19), recovery and reintegration (art. 39)	127 - 131	27
VI.	BASIC HEALTH AND WELFARE	132 - 193	28
	A. Disabled children (art. 23)	132 - 145	28
	B. Health and health services (art. 24)	146 - 174	30
	C. Social security and children's day care (arts. 26 and 18, para. 3)	175 - 182	35
	D. Standard of living (art. 27)	183 - 193	37
VII.	EDUCATION, LEISURE AND CULTURAL ACTIVITIES	194 - 242	39
	A. Education, including vocational training and guidance (art. 28)	194 - 211	39
	B. Aims of education (art. 29)	212 - 220	42
	C. Leisure, recreation and cultural activities (art. 31)	221 - 242	44

CONTENTS (continued)

		Paragraphs	Page
VIII.	SPECIAL PROTECTION MEASURES	243 - 342	48
A.	Children in situations of emergency	243 - 265	48
1.	Refugee children (art. 22)	243 - 262	48
2.	Children in armed conflicts (art. 38), and the promotion of recovery and integration	263 - 265	52
B.	Children and criminal law	266 - 277	52
1.	Criminal liability	266 - 269	52
2.	Deprivation of liberty, arrest, imprisonment and involuntary treatment (art. 37 (b)-(d))	270 - 275	53
3.	Prohibition of capital punishment and life imprisonment (art. 37 (a))	276	54
4.	Physical and psychological recovery and social reintegration (art. 39)	277	54
C.	Children in situations of exploitation, including physical and psychological recovery and social reintegration	278 - 321	55
1.	Economic exploitation, including child labour (art. 32)	278 - 294	55
2.	Drug abuse (art. 33)	295 - 307	58
3.	Sexual exploitation and sexual abuse of children (art. 34)	308 - 319	61
4.	Sale of and traffic in children and abduction of children (art. 35)	320 - 321	62
D.	Children belonging to a minority or indigenous group (art. 30)	322 - 342	63

Introduction

1. The Convention on the Rights of the Child entered into force for Finland in 1991. The Government of Finland submitted the first periodic report to the United Nations in December 1994 (CRC/C/8/Add.22).

2. The second periodic report to the Committee on the Rights of the Child covers the period from January 1995 to June 1998. It has been elaborated in cooperation with a wide range of authorities coordinated by the Ministry for Foreign Affairs. Written opinions of non-governmental organizations, submitted to the Ministry for Foreign Affairs, have been taken into account in the report. In June 1998 the Ministry for Foreign Affairs organized a hearing for non-governmental organizations, where they could also present their views.

3. The most important legislative reform in the relevant period of time was the reform of the fundamental rights provisions in the Constitution Act in 1995. The reform made the Finnish system of fundamental rights more modern and precise, extended its scope of application to a wider range of persons and extended the constitutional protection to new fundamental rights. A provision on the guarantees of "the inviolability of human dignity and the freedom and rights of the individual as well as promoting justice in society" was added to the Constitution Act. As regards the constitutional provisions on equality, the Constitution Act was complemented by a prohibition of discrimination and by provisions on the equal treatment of children and on the equality of the sexes.

4. The Government Bill concerning the punishability of purchase of sexual services from minors and possession of child pornographic material and the Government Bill for the amendment of the Penal Code, concerning sex tourism, are legislative reforms clearly based on the recommendations of the Committee on the Rights of the Child (CRC/C/15/Add.53, para. 29).

5. The Finnish family structure is clearly changing. Cohabitation of non-married parents has become increasingly common as the family model for families with offspring and the proportion of single-parent families has grown. The appearance of families with children from different marriages has created a concept of social parenthood. Whereas the rights and duties of parents in the legislation are mainly defined in terms of biological parenthood, one of the greatest challenges in the field of family law will probably be the harmonization of the law with the changed family structure.

6. The Finnish economy, affected by recession in the first half of the 1990s, is recovering. The effects of the recession on the welfare and health of children and young persons have been weaker than expected, according to a report issued by Statistics Finland and the National Research and Development Centre for Welfare and Health. Despite the decisions to cut services intended for children, the basis for the welfare of children has been maintained. However, a small proportion of children, a diminishing group, have suffered from the problems accumulated in the 1990s, beginning with educational exclusion. As the level of education has grown higher in general, the possibilities of those who remain without adequate education to obtain

work, for example, have become weaker in a society where the importance of education is emphasized. Unemployment, especially long-term unemployment among the young, is still a serious problem in Finland.

7. Statistical data have been included in the report mainly from the same areas as in the first periodic report, which makes it possible to better show development over a longer period of time.

I. GENERAL MEASURES FOR THE IMPLEMENTATION OF THE PROVISIONS OF THE CONVENTION

A. Implementation of the rights of the child (art. 4)

8. The fundamental rights reform which took place in 1995 had as one of its objectives to include clearer provisions on fundamental rights in the Constitution Act of Finland of 1919, in accordance with the international human rights obligations binding on Finland. The existing Constitution Act contains a provision according to which "no one shall be afforded a different status, inter alia, on account of age". The Constitution Act also specifically provides that "children shall be treated equally as individuals and shall be permitted to influence matters affecting them according to their degree of maturity". Public authorities shall support the possibilities of the family and other persons responsible for the child's care to ensure the well-being and individual development of the child. The fact that these principles are included in the Constitution is significant, since this way they will be better taken into account in any subsequent legislation concerning children.

9. It is mentioned in a Government Report (2/1995 vp) given in 1995 that it would be necessary to have a children's ombudsman who would monitor and promote respect for the rights and interests of the child in the entire country, at a general administrative, socio-political and legislative level. The ombudsman would also be responsible for the supervision of the implementation of the rights of the child and for providing information thereon. A parliamentary committee which considered the matter required that the Government take measures in order to establish the office of a children's ombudsman. Parliament has brought the committee report to the attention of the Government, and the Ministry of Social Affairs and Health has examined the possibilities to establish such an office.

10. It is suggested in a Government Bill (HE 129/1997) concerning the reform of the institution of the Parliamentary Ombudsman that another office of Assistant Parliamentary Ombudsman should be established. Thereby, in addition to the Parliamentary Ombudsman, there would be two Assistant Parliamentary Ombudsmen. Parliament has given its consent to the reform, and the President of the Republic confirmed the amendment of the Constitution to that effect on 11 December 1997. The idea is that the office would be filled for a period of four years from the beginning of September 1998. One purpose of the reform is to develop supervision of the implementation of the rights of the child. Child issues would be placed under the competence of one of the Assistant Parliamentary Ombudsmen. However, the significance of the reform for the implementation and promotion of respect for the rights of the child cannot be assessed until enough experience has been gained.

11. The Ministry of Social Affairs and Health has set up a working group, with members representing different fields of administration, to examine what types of deficiency and conflicts over competence related to the protection of immigrant children there are in the legislation and administrative practice. The group has to make a proposal for measures to be taken to ensure that immigrant children will be protected in accordance with the provisions of the Convention on the Rights of the Child and of the Finnish legislation. The working group issued its report on 23 December 1997 and its recommendations for the amendment of legislation are recounted in sections III.B. and III.D.

12. A working group dealing with family reunification, set up by the Ministry of the Interior, issued an interim report on 31 October 1997. The recommendations outlined in the interim report have been included in the Government Bill for the amendment of the Aliens' Act introduced to Parliament in May 1998 (see V.D.).

13. The Ministry of Labour has been examining the need to amend legislation concerning young employees. The reform plans in this field are described in section VIII.C.1.

14. The Constitution Act amended in 1995 contains a new provision, according to which "public authorities shall strive to ensure for everyone the right to a healthy environment as well as the opportunity to influence decision-making concerning their living environment". In the past few years the Ministry of the Environment has paid a lot of attention to the fact that this right also concerns children. Research projects concentrating on the relationship between children and the environment have shown that children are often given a subordinate position in matters concerning their own development. The needs of children are usually looked at from adults' points of view.

15. Within the framework of the Habitat Agenda adopted at the second United Nations Conference on Human Settlements (Habitat II), Finland has recognized the principle of protection of children as a vulnerable group. Children are recognized as actors in their own lives who must be heard and whose needs must be taken into account in planning and decision-making concerning the environment in which they live. The provisions concerning building design in the Finnish Building Decree were amended in 1993. The Building Decree provides that the suitability of a building for children, elderly people and the disabled shall be taken into account when it is being planned, in accordance with its end use. A committee proposal for a total reform of the Building Act was issued at the beginning of 1998. According to the proposal, the needs of children shall be taken into account, inter alia, when the effects of a plan on the safety and health status of the environment are assessed. The proposal also contains provisions on playgrounds and recreation areas to be reserved for children in the vicinity of dwellings.

16. It is necessary to constantly obtain new information on the connection between the health of children and the environment. In particular, the early exposure of children to noise and pollution has effects during their entire adult life. The Academy of Finland has initiated a research programme of environmental health for 1998-2001 which aims at increasing the availability of information on environmental health.

17. In the development of public transport the Ministry of Transport and Communications has followed a principle according to which equal possibilities for movement shall be ensured both in different geographical areas and among different population groups.

18. The Ministry of Transport and Communications, together with the authorities of other member States of the European Union, is developing methods by which the negative sides of telephone entertainment lines, such as the possibility of children to use such services, could be eliminated. As regards television advertising, television companies comply with the provisions of the relevant European Community directive.

19. In the field of education Finland has since 1995 been fully participating in the activities of the European Union, including work for the promotion of respect for the rights of the child. The Ministers of Education meeting within the Council of the European Union issued a Declaration on 20 December 1996 on protecting children and countering paedophilia. The Council conclusions on safety at school were adopted on 22 September 1997. These conclusions aim at fostering safety at school, by supporting a specific exchange of information and transnational pilot projects, and by setting up a group of experts.

20. Research and statistics are made on the conditions of children in relatively many institutions, but resources are scarce. Lack of coordination of information has been considered a problem. It was pointed out in the first periodic report of Finland that child-oriented collection and analysis of data needs to be increased further, in order to coordinate social policy. Development of this kind can be noticed.

21. The compilation of child-oriented statistics has increased. Data and analyses have been included in population and family statistics which are regularly published. Statistical data concerning the economic and social conditions of families with children is being developed. A national report concerning the well-being and health of children came out in 1998. The report is an important step in the development and coordination of statistical data on children, since it assembles dispersed information on children and reveals those areas where development and coordination are still necessary. Authorities dealing with statistics have actively been participating in local and international projects aiming at the development of statistical data on children.

22. The participation of non-governmental organizations in child policy in Finland is active and well developed. Along with their increasing international activity, NGOs are becoming actors with special expertise, using their influence, for example, on the drafting of legislation and on the work of public authorities. An example of the positive development of international cooperation was the equal participation of representatives of Governments and NGOs in the World Congress on Commercial Sexual Exploitation of Children held in Stockholm in 1996. Non-governmental organizations also provide services supplementary to those of the State, and especially those of local authorities. These organizations are able to look at decision-making from a citizen's and customer's point of view. Many NGOs have participated in

the drafting of this second periodic report by giving statements and by striving to exercise a critical point of view in the implementation of the rights of the child.

23. Among Finnish non-governmental organizations the Mannerheim League for Child Welfare has had an ombudsman for children since 1981. UNICEF invited the Ombudsman for Children to become a member of the European Network of Ombudsmen for Children (ENOC) at the founding conference of ENOC in 1996. The Ombudsman for Children of the Mannerheim League for Child Welfare is assisted by a network of seven lawyers. Their activities can be described as legal work for the implementation of both individual and general rights of the child. The League has, for example, since 1980 provided a telephone service for children and young persons which is at present the most extensive in Europe (more than 40,000 contacts per year).

24. There are three research institutions specializing in human rights in Finland: the Institute for Human Rights of the Åbo Akademi University, the Northern Institute for Environmental and Minority Law of the University of Lapland and the recently established Eric Castrén Institute of International Law and Human Rights.

B. Making the principles and provisions of the Convention widely known (art. 42)

25. All international treaties binding on Finland have traditionally been published in the Treaty Series of the Statute Book of Finland. In addition, the most relevant conventions in the field of family law, criminal law and procedural law have been published in "Suomen Laki", a more concise collection of Finnish law. Both these collections are published in the two official languages of the country, Finnish and Swedish. Since 1995 "Suomen Laki" has contained a special section for fundamental rights and human rights, including the most relevant human rights conventions. The Convention on the Rights of the Child is included in the section on child legislation. In this way the international human rights conventions will be better taken into account as part of national legislation by public officials and lawyers, and will be more easily available to citizens.

26. A publication containing the text in Finnish and English of the Convention on the Rights of the Child, issued by the Ministry for Foreign Affairs, has proved to be useful in teaching provided by non-governmental organizations and schools. Even many NGOs working with human rights and the rights of the child have published the text of the Convention as well as material related thereto, as part of their own publication and information activities.

27. In 1997, the Ministry of Social Affairs and Health published a brochure, "The Rights of the Child" (1997/3), in which attention is drawn to certain significant and topical issues related to Finnish children, and to the relevant provisions of the Convention on the Rights of the Child. These issues can be affected by social welfare and health-care professionals working with children. On the initiative of the Ministry of Social Affairs and Health, the Convention on the Rights of the Child was translated in 1998 into the Sami language, spoken in Lapland.

28. Non-governmental organizations have actively worked in order to disseminate the Convention on the Rights of the Child. By monitoring the implementation of the provisions of the Convention and by keeping up public debate, these organizations have been effective in bringing the basic questions to the awareness of the public. In the mass media interest in the rights of the child has grown over the past few years, and the subject has been dealt with in order to stimulate public debate.

C. Making the report available (art. 44)

29. The report on the rights of the child is published by the Ministry for Foreign Affairs in a series of human rights reports, and it will be available to all.

30. When this report was still under preparation, some newspapers provided advance information for readers on human rights reports and on the second periodic report on the rights of the child, which indicated increased interest in the reporting system and in the dissemination of related information.

31. After the hearing of a human rights report, the Ministry for Foreign Affairs arranges a press conference, when necessary, in order to activate the news media to write about the hearing and about related recommendations.

II. DEFINITION OF THE CHILD (ARTICLE 1)

32. In the Finnish legislation, a person below the age of 18 years is a minor. There are, however, several provisions which depart from the main principle and afford the child a right to self-determination or a right to be heard. These provisions were described in the previous periodic report of Finland (paras. 89-124).

33. An amendment to the Finnish Penal Code, according to which a sexual relationship with a person under 15 years of age would be a punishable offence, is under consideration by Parliament. At present the age of consent is 16.

III. GENERAL PRINCIPLES

A. Prohibition of discrimination (art. 2)

34. The Finnish Constitution Act (969/1995) contains a provision according to which "all persons shall be equal before the law. No one shall, without acceptable grounds, be afforded a different status on account of sex, age, origin, language, religion, conviction, opinion, state of health, disability or any other reason related to the person". The Finnish Penal Code provides sentences for discrimination and ethnic agitation as well as for participation in such offences. The Government issued a resolution on 6 February 1997 concerning administrative measures to be taken in order to increase tolerance and prevent racism. The Government resolution places a duty on the authorities to intervene in racist acts.

35. In the field of social welfare and health-care efforts have been taken to increase tolerance and prevent racism, inter alia, by including the

promotion of the health and welfare of ethnic minorities on the political agenda. A new challenge for preventive social welfare and health-care policy is the promotion of the health and welfare of our ethnic minorities. The Ministry of Social Affairs and Health is committed to achieving this objective. In a national programme adopted by the Government for the organization of social welfare and health-care services in the years 1998-2001, risks related to the welfare of linguistic and cultural minorities have been given attention. Projects in the field of social welfare and health care (education of persons in key positions, teaching material, seminars) are partly financed with specific funds reserved for the promotion of health.

36. The Ministry of Education is aware of its responsibility and of its special potential to affect attitudes towards racism. Increasing tolerance and preventing racism were two of the key areas in the action plans for 1996, 1997 and 1998. The main principle in education policy is that immigrant children will be guaranteed equal access to education services. Children belonging to an ethnic minority have the right to grow up and become active members both of their own cultural community and of Finnish society at large. In the field of sport and youth affairs the prevention of racism is given as one of the objectives in the agreements for 1998 between the Ministry and the provinces, concerning results to be achieved. The Ministry of Education uses the increasing of ethnic tolerance as one of its criteria when allocations are awarded in the fields of sport, youth affairs and culture. In the fields of sport and youth affairs activities aimed at increased tolerance among different races have also been supported by separate financial assistance.

37. The prevention of racism and the promotion of tolerance in the reception of refugees and other immigrants is described in section VIII.A. According to the Advisory Board for Romani Affairs (romaniasiain neuvottelukunta), the increased number of immigrant children has lessened the negative attitude of other schoolchildren towards Romani children, and has improved teachers' skills in working with children of different cultures.

38. Equality between the sexes. Equality between the sexes as an objective of the school curriculum is described in section VII.B.

39. The University of Helsinki has a research project on nationality, differences and marginality at school, based on gender. This comparative, cross-cultural research, financially supported by the Academy of Finland, aims at analysing differences and similarities between girls and boys at school. The project runs parallel with research being carried out in the United Kingdom.

B. Principle of the best interests of the child (art. 3)

40. The relevance of the best interests of the child has been recognized in Finnish legislation since the beginning of the 1980s. For example, the Child Custody and Right of Access Act (laki lapsen huollosta ja tapaamisoikeudesta 1983/361) and the Child Welfare Act (lastensuojelulaki 1983/683) provide for the ascertainment of the best interests of the child. These provisions were

described in the first periodic report of Finland (paras. 131-153). Questions related to the enforcement of decisions concerning the custody of a child and the right of access are also dealt with in section III.D.

41. According to the first periodic report, a problem was that the procedure for enforcement in the Child Custody and Right of Access Act secured more the rights of the parents than the rights of the child. The situation has improved since the implementation of the Act on the Enforcement of Decisions Concerning Child Custody and Right of Access which entered into force in 1996 (laki lapsen huoltoa ja tapaamisoikeutta koskevan päätöksen täytäntöönpanosta 619/1996). According to this Act the best interests of the child must be taken into account in a decision on child custody and right of access.

42. The Committee on the Rights of the Child was concerned about the need to improve the competence of social workers through retraining programmes, in particular in relation to the full implementation of the participatory rights of the child, in the light of articles 3 and 12 of the Convention. The Committee recommended that periodic training and retraining programmes on the rights of the child be organized for professional groups working with or for children, especially social workers, but also teachers, law-enforcement officials and judges, and that human rights and children's rights be included in their training curricula.

43. The Ministry of Social Affairs and Health, together with the National Research and Development Centre for Welfare and Health (STAKES), carried out an experimental programme of further training for child-welfare workers which ended in December 1997. The experience from the programme was good, and a similar programme is at present included in the curricula of the Centre for Continuing Education of the University of Helsinki.

44. The Ministry of Justice has for several years organized further training concerning decision-making on custody and right of access for judges of district courts. This training also provides information on the rights of the child. In addition the Ministry of Justice has in 1997 and 1998 arranged seminars on the best interests of the child for persons who participate in the consideration of child-welfare cases before administrative courts. Even the officials responsible for introducing child-welfare issues at the Office of the Parliamentary Ombudsman and at the Office of the Chancellor of Justice have participated in these seminars. The experience from this training has been positive, and the purpose is to train all the officials dealing with child-welfare issues at administrative courts.

45. Decisions related to child welfare that are given against the will of the parties are submitted to or appealed against to a county administrative court. In such cases there is an expert participating in decision-making apart from the two judges and the presenting member of the court. Earlier the expert only participated in decision-making in cases where decision was made on taking a child into care or on substitute care, but in 1996 the County Administrative Courts Act (lääninoikeuslaki) was amended so that the expert will also participate when decision is made on the restriction of the right of access. Good experience has been received from the using of experts at the

county administrative courts - the experts have been able to interpret the best interests of the child well and they have developed special methods for the hearing of the child in cases concerning the child.

46. There has been discussion on whether, in addition to the judge and possible lay members of the court, an expert should participate also in the consideration of cases concerning child custody and right of access. When the Law Committee of Parliament (lakivaliokunta) was considering the Act on the Enforcement of Decisions Concerning Child Custody and Right of Access (619/1996), it was of the opinion that the need and possibilities for using an expert member in court hearings should be assessed when child policy is being developed.

47. A Government Bill (HE 50/1998) was submitted to Parliament in May 1998 for the amendment of the Aliens' Act. It is suggested that the Act should include a provision, according to which special attention must be paid to the best interests of the child as well as to the development and health of the child when decisions are made by virtue of the Aliens' Act.

48. The working group dealing with child issues (see I.A.) found it necessary and urgent to enact legislation on the representation of children who have arrived in the country without a custodian. A Government Bill (HE 66/1998) concerning Integration and Reception of Asylum Seekers was submitted to Parliament in May 1998, which also includes provisions on the representation of children who have arrived in the country without a custodian (see VIII.A.).

49. The importance of taking the best interests of the child into account is emphasized in the new instructions for the consideration of asylum applications issued by the Ministry of the Interior.

C. Right to life, survival and development (art. 6)

50. Legal provisions concerning infant mortality and abortion were discussed in paragraphs 154-157 of the first periodic report. Maternity and child-welfare services are discussed in section VI.B. of this report.

51. Due to the low infant mortality rate and good national health, accidents are at present probably the most serious threat to the health of children in Finland. More than every other case of death among persons between 1 and 19 years is caused by an accident. In the past 10 years the number of accidents leading to death among that group of the population has decreased by approximately 24 per cent. In 1995, 4 out of 100,000 persons under 20 years faced an accidental death. As regards children, accidental deaths are usually caused by traffic accidents or drowning. According to research, two thirds of children's accidents could have been prevented. A relevant factor in the prevention of accidents is to improve the safety of the living environment and to improve appropriate control.

52. Case-by-case examination of accidental deaths, combined with support methods for families, has been under development in Finland. Safety standards increasing the safety of children can be found in the fields of traffic, construction and product safety. Prevention of accidents has been paid a lot

of attention in mother and child-welfare education. In the past few years information on accidents has been disseminated at schools and children's day-care centres, especially by using material designed for children.

D. Views of the child (art. 12)

53. A decision on child custody and right of access is probably one of the most important decisions affecting the child in respect of which the views of the child should be given due weight. The Finnish Child Custody and Right of Access Act provides that the child's own wishes and views shall always be sought by the court deciding on custody and right of access, as far as this is possible considering the age and maturity of the child, when the parents do not agree on the matter and also when it is otherwise considered necessary for the best interests of the child. Also, the Social Welfare Board shall, when confirming an agreement between the parents, take the best interests and wishes of the child into account. The child's active role is emphasized even in the provision defining the concept of the right of access: the objective of the right of access is to ensure a child the right to maintain contact and meet with the parent with whom he or she does not reside.

54. The Act on the Enforcement of Decisions Concerning Child Custody and Right of Access (619/1996) requires, in the same way as the earlier Act, that a decision on custody and right of access shall not be enforced against the will of a child who has attained the age of 12. Even the will of a child under 12 years of age shall be taken into account when the child is mature enough to express his or her opinion. There is no age limit in legislation for the hearing of the child. A court may even hear very young children when necessary. In connection with the amendments made to the Act, a conciliation procedure was developed so as to better ensure that the position and the opinion of the child will be taken into account in cases concerning custody and right of access. When the competence in the enforcement of decisions was transferred from the bailiffs to the district courts, oral hearings replaced the earlier procedure which was almost entirely written. Thus the deficiencies in the hearing of witnesses have been removed, and it has become possible for the conciliator to actively participate in the consideration of the case.

55. Non-governmental organizations have been critical. In their estimations, despite the protection afforded by law, the views of the child are not in practice taken into account when parents who are on bad terms with each other cannot agree on their respective rights. The authorities tend to consider that the child's opinion is an attitude resulting from manipulation by the parent. An unwilling child may without sufficient grounds be persuaded to meet his or her parent. The Union of Single Parents and Joint Custodians considers that, due to the small number of cases (approximately 50 persons apply for the enforcement of the right of access each year), the municipal conciliators are not able to get professional skills based on adequate experience, although the municipal conciliators are professionals appointed by the social welfare authorities. The Union has therefore suggested that there should be a few groups of conciliators serving the entire country, so that the municipalities could have recourse to their services when necessary. However, the research carried out by the Ministry of Justice when the Act on the Enforcement of the Child Custody and Right of Access Act (619/1996) was under

preparation showed that the practice followed by the conciliators in respect of hearing of children was relatively consistent. The conciliators have in nearly every case heard a child who has attained the age of 7, and quite often also children from 4 to 6 years old.

56. It is suggested in the Government Bill for the amendment of the Aliens' Act that the Act should include a provision, according to which a child who has attained the age of 12 must be heard and his or her views must be taken into account in accordance with the age and maturity of the child. Even a younger child may be heard if he or she is mature enough so that his or her views can be taken into account.

57. The Vocational Guidance Act has been replaced by the Employment Services Act (1005/1993) which entered into force in 1994. According to this Act, the views of the young person shall be taken into account when vocational guidance is given. Also, employment services shall be arranged so that they are based on the needs and free choice of the customer. A person who has attained the age of 15 may sign and rescind an employment contract. However, a legal custodian has the right to rescind an employment contract signed by a person under 18 years of age, when this is necessary for the upbringing, development or health of the person in question.

58. As regards education, the foundations of the school curricula of primary schools and upper secondary schools are changing. The planning of lessons aims at providing the students with more possibilities to carry out studies in accordance with their own interests. At the same time the teacher's role in giving support and guidance to the student will become greater. The teacher is partly responsible for the development of the student's preparedness for studies and skills to make choices. The tutors in secondary schools have an important role in transmitting the wishes and aims of pupils, and in making the teaching and education clearer. Teachers also tend to take more responsibility for guiding studies and for planning the educational environment. According to a report (National Board of Education, 11/96) assessing the reform of the primary school curricula, many teachers still have difficulties in adopting new teaching methods, for example methods where the student has a key role, where learning is based on joint efforts or which emphasize individual programmes. The ability of the teachers to develop new teaching styles and methods dictates to a large extent how well it is possible to move on to a more important role of the student or how fast students adopt such styles and methods. However, it has already been noticed that the development brought by the reform of the school curricula has been very positive.

IV. CIVIL AND POLITICAL RIGHTS

A. Right to a name and nationality (art. 7)

59. Every Finnish citizen shall have a family name and a first name (Names Act 694/1985). The parents are under a duty to register their child with the population register. The names registered on that occasion may only be changed in a procedure provided by law. The determination of a name and registering were given account of in the first periodic report (paras. 180-189).

60. A child may acquire Finnish nationality by birth, legitimation, announcement or application (usually at the same time with a parent applying for nationality). Nationality is acquired by birth, when the mother is a Finnish citizen or when the father is a Finnish citizen married to the mother of the child. Nationality is also given to a child born in Finland, if he or she does not get any other nationality by birth.

61. The Ministry of Justice has prepared a proposal for an Act on the Use of Germ-cells and Embryos in Medical Fertility Treatment and for an Act amending the Paternity Act (proposal of the working group 14 October 1997). A significant number of children are born each year as a result of medical fertility treatment, and therefore it has been considered necessary to regulate such activity by Act of Parliament in order to have a sustainable ethical and legal framework. The suggested amendment to the Paternity Act would ensure that each child born has a father. The Ministry of Justice aims at introducing the Government Bill to that effect in 1998.

B. Preservation of identity (art. 8)

62. A person's name may only be changed on the grounds provided by law. The matter is decided by the provincial government of the province where the applicant has been registered in the population register.

63. A minor loses Finnish nationality when he or she acquires the nationality of another country by application or other comparable manner. A minor loses Finnish nationality also when he or she, together with his or her parents acting as custodians (or one of them), acquires the nationality of another country. However, a child never loses Finnish nationality if he or she would thereby become a stateless person.

64. As regards adoption, the Finnish legislation is based on the principle of so-called strong adoption, which means that the rights and duties of the biological parents towards the child and the child's legal bonds to the biological parents are terminated by the adoption. In international adoption a child gets Finnish nationality by announcement after the adoption has been confirmed.

65. The right of an adopted child to get information on his or her biological background has been improved by an amendment made to the Adoption Act in 1996. The municipal social welfare authorities, the adoption office and the service provider shall retain the documents which have been prepared or received in connection with adoption guidance or international adoption concerning the adopted child and the child's biological parents and adoptive parents for a minimum of 100 years. The adopted child, his or her custodians and descendants have the right of access to such documents and thereby the right to get information on the biological background of the adopted child. Access to information may, however, be refused if it would endanger the health or development of the adopted child or would otherwise be against the interests of the adopted child or other private interests.

C. Freedom of expression (art. 13)

66. The Finnish Constitution Act guarantees the freedom of expression for everyone. The freedom of expression includes freedom of opinion, open public debate, free development and diversity of the mass media and possibility for public criticism concerning the use of power. The special need for the protection of the child has been taken into account by ensuring the possibility of imposing restrictions on the dissemination of films and programmes by Act of Parliament.

67. The provisions on fundamental rights in the Constitution are basically meant for all without exception as to the person's age. The only exception is the right to vote - a person has the right to vote if he or she has attained the age of 18 before the election year.

D. Freedom of thought, conscience and religion (art. 14)

68. In connection with the fundamental rights reform, the constitutional provision on the freedom of religion was amended by including also the freedom of conscience and religion of other than Finnish citizens. The freedom of conscience and religion includes the right to profess and practise a religion, the right to express one's conviction and the right to belong or not to belong to a religious community. No one has a duty to participate in religious activities against one's conscience (section 9 of the Constitution Act).

69. The Freedom of Religion Act defines the concept in more detail. It also determines the religious community of the child. These provisions were discussed in the first periodic report (paras. 220-232).

70. Religious education at school is provided for in the Comprehensive School Act and in the Freedom of Religion Act. Comprehensive schools give religious education according to the religious community of the majority of students, which in practice is the Evangelic Lutheran Church. Religious education is compulsory for all those children who are members of this community. Children who are not members of that community or are members of other religious communities are exempted from religious education, if so requested by their custodians. If a minimum of three children who belong to the same religious community and who do not receive religious education according to the Evangelic Lutheran Church or the Orthodox Church have been exempted from religious education, they are entitled to religious education according to their own conviction. If a minimum of three children who are not members of any religious community have been exempted from religious education, they are entitled to receive education which concentrates on ethical, moral and philosophical questions, just like religious education but without associating them with a specific religion.

E. Freedom of association and assembly (art. 15)

71. In connection with the fundamental rights reform, the constitutional protection of the freedom of association and assembly was extended so that everyone has the freedom of assembly and the right to arrange meetings and protests without prior permission, as well as the right to participate in them. There are no restrictions as to age.

72. The provisions of the Public Meetings Act and the Associations Act, as presented in paragraphs 235-236 of the first periodic report, are still in force.

F. Protection of privacy (art. 16)

73. The constitutional protection of private life in the amended Constitution Act covers the inviolability of private life, honour and domestic peace, in accordance with international human rights conventions. The protection of confidential communications has been extended to cover all forms of communication brought by technical progress. There are no age limits for the applicability of this constitutional provision.

74. The primary objective of the provision is to protect the contents of a confidential message. Only the listening of a confidential conversation with the help of technical devices is prohibited by law. Thus the provision does not afford protection for a conversation which takes place within hearing distance of outsiders.

75. The provisions on data and communications offences in the Finnish Penal Code (chap. 38) were amended in 1995. The Penal Code provides a sentence, inter alia, for a violation of the secrecy of communication. The object of such a violation may also be the secrecy of communication of a minor. A provision was added to the Guardianship Act, according to which the guardian has a right, without the consent of the person under guardianship, to read letters addressed to the person under guardianship if it can be assumed, on the basis of the sender's name or other comparable facts, that the letter concerns a matter that the guardian should be aware of. Therefore the parents should also respect the inviolability of communications of the child.

G. Access to information (art. 17)

76. Television and children. According to an estimate made in 1997, the different television channels reach daily 60 per cent of 3- to 9-year-old children and 64 per cent of 10- to 14-year-old children. Children between 3 and 9 years spend an average of 63 minutes watching TV and 24 minutes watching video films. Children between 10 and 14 years spend 95 minutes watching TV and 11 minutes watching video films. The time spent by children is only half of the average time spent watching TV by the whole population. Children under 10 mainly watch children's programmes whereas children over 10 prefer fiction and series.

77. All four national television channels have children's programmes. The Finnish Broadcasting Company (YLE) has also programmes for older children on TV 1. As regards the Swedish section of the Finnish Broadcasting Company (FST which uses both TV 1 and TV 2 for their programmes), children's programmes for different ages are an important part of their activity.

78. According to the Finnish mass media statistics for 1996, the proportion of children's programmes was 7 per cent of all programmes shown by the Finnish Broadcasting Company. As regards the commercial television company, MTV3, the

proportion was 5 per cent. No statistical data are available for the new channel four. Children's programmes constitute 10 per cent of the production of television programmes of the Finnish Broadcasting Company.

79. In December 1995, on the international television day for children, the Finnish Broadcasting Company signed a declaration on the television rights of children, drafted at the World Summit on Television for Children. The declaration creates a foundation for a supply of children's programmes which is of high quality and takes the world surrounding children into account.

80. Libraries. The Government Bill for a new Library Act was introduced in Parliament in October 1997. The purpose of the amendment is to promote equal opportunities for all to use modern and good quality library and information services, irrespective of the place of residence or financial means. Compared to other countries, Finland's municipal library system is of good quality and efficient. Library services are rather evenly spread in the sparsely populated country. In 1997 there were 992 public municipal libraries and 210 library buses. An average of 20 books per person were borrowed.

81. Libraries are centres for literature and audio-visual material. The objective is to develop libraries so that they become centres for digital cultural and information services where the digital services could be used like books. The library is the place where digital services can also be used by persons who do not have the necessary equipment and software at home. It is also possible to get guidance for using Internet services.

82. Library services are basic municipal services and the responsibility for their arrangement will rest with the municipalities after the entry into force of the amended Library Act. Municipalities will get State allocations for providing library services, determined on the basis of the size of the population in the municipality. Library services are free for the users.

83. Literature in a simple language. The Ministry of Education, Science and Culture supports the writing and publication of literature which is simple in contents and structure. Such literature is necessary, for example, for persons with reading disabilities, certain groups of disabled persons and immigrants. In 1997 there were Fmk 150,000 reserved for this purpose. In 1998 the sum was raised to Fmk 250,000 and part of it is expressly meant for the publication of children's literature.

84. Electronic network for schoolchildren. The objective in education and research is that in the year 2000 children finishing comprehensive school would be able to use the most important tools, send messages and look for information on electronic networks, as well as take advantage of the modern information technology in their studies and outside school. As regards upper secondary school, the objective is that the students finishing school have adopted modern information technology as part of their studies, work and everyday life. Special attention is paid to equality between the sexes. In Finland nearly all primary and secondary schools and upper secondary schools have access to different databases through electronic networks. The electronic networks also contain services for schoolchildren, concerning important matters such as teaching of manners, tolerance, anti-narcotics instruction and mischief at school.

85. Access to other information. In order to ensure that young persons have access to sexual education in accordance with their maturity, the Ministry of Social Affairs and Health sends a brochure dealing with the sexuality of young persons to every 16-year-old person.

86. Detrimental material. Since the use of the Internet has become common in Finland, attention has been paid to the access of minors to material which may be detrimental for their development (such as violent and pornographic material). In this respect Finland has followed a principle adopted within the European Union, according to which the most efficient way of protecting minors is self-regulation by the sector and support to software companies in developing better technical devices with which access to detrimental material may be restricted when necessary.

87. Minorities. Children belonging to minorities have access to all information services of society. However, there is very little material available, for example, in the Romani language. Also, the material on the Romani culture in the Finnish language is scarce, as regards material that would concentrate on understanding and positive aspects of that culture. A guidebook - the Romani and health-care services - for health-care personnel was published in 1994 (2nd revised edition in 1998). A school book for beginners in the Romani language has been published and other material on the Romani culture has been produced to be used at schools. An education centre for the Romani has produced a video film on Romani children and published a song book and tape in the Romani language. Translation of songs of the Romani population, financially supported by the European Union, will soon begin.

88. As regards the implementation of ethnic and cultural objectives of the Sami people, the Sami Thing is of the opinion that relevant services, such as children's services in the Sami language, day-care places, radio and television programmes and other cultural services for the children have only been available to a limited extent.

H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a))

89. Capital punishment for crimes committed in peacetime was abolished in Finland in 1949, and for all crimes in 1972. The prohibition of capital punishment adopted in the Finnish legislation, and confirmed by the Second Optional Protocol to the International Covenant on Civil and Political Rights and by Additional Protocol No. 6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, was also included in the amended Constitution Act, thereby giving the prohibition of capital punishment a higher status in the hierarchy of national law.

90. Prohibition of torture and degrading treatment was also included in the Constitution Act, in accordance with the provisions of international human rights conventions. This provision is meant to cover any forms of cruel, inhuman or degrading treatment or punishment, and they shall not be allowed under any circumstances.

91. In the Aliens' Act the prohibition of torture and other cruel and inhuman treatment has been taken into account in the provisions concerning refusal of entry and deportation. A person wishing to enter into the country may not be returned or a person residing in the country may not be deported to an area where he or she could be subjected to inhuman treatment or persecution, nor to a place from which he could be sent to such an area.

V. FAMILY ENVIRONMENT AND SUBSTITUTE CARE

A. Parental guidance (art. 5)

92. The parents have the right to the custody of the child and thereby the responsibility for fulfilling the physical and psychological needs of the child. The Child Welfare Act places municipalities under a duty to ensure that custodians are supported in the upbringing of children when social welfare and health-care services, education and other services for children, young persons and families with children are developed.

93. Mother and child welfare services are given account of in section VI.B.

94. The social welfare board may take a child into care only when lack of care or other conditions at home seriously threaten to endanger the health or development of the child, on the grounds provided by law. In such a case the social welfare board is entitled to decide on the care, upbringing, supervision and other welfare of the child. The social welfare board shall even then, however, aim at cooperation with the parents or other custodians of the child. Taking a child into care does not affect the status of a parent as custodian.

B. Parental responsibilities (art. 18)

95. The Child Custody and Right of Access Act (361/1983) contains a provision defining child custody, emphasizing the duty of the custodians to take the individual needs and wishes of the child into account. According to the Act, the parents of a child are in the first place his or her custodians, and are thus responsible for the upbringing and development of the child. In case the parents are not married to each other, the mother has the custody of the child under the Act. By a mutual agreement between the parents or by a court order the custody may be given to one parent, mainly in connection with a divorce. The parents of a child born out of wedlock may get joint custody of the child. When a child lives with one parent, the right of access of the other parent shall be defined. According to law, the custody and right of access shall be implemented so that the child will be able to maintain a positive and close relationship with both parents. At present it is usual that the joint custody of the parents is maintained even after a divorce, although the child lives with one of them.

96. In the Romani culture the responsibility of the mother for the upbringing of the child and at the same time the participation of the whole family in the care and upbringing of the child are emphasized. However, in case of a divorce the responsibility of the father and the fact that the child is part of the father's family are emphasized. Decisions relating to child

custody in a Romani family do not thus always meet with the Finnish legal thinking or with the Child Custody and Right of Access Act, according to which a decision concerning custody shall always ensure the best interests of the child considering his or her personal life situation. If a voluntary settlement concerning custody between Romani parents is brought before a court or the social welfare board, the authorities shall, according to law, assess whether the settlement to be approved is in the best interests of the child. If this is not the case, the authorities shall abstain from approving the settlement. It has been suggested that a specific part on Romani women be included in the programme on equality of the Government, where, for example, the question of custody would be dealt with in relation to equality. If implemented, the programme would also contribute to an improved status of the child.

97. The responsibility for the upbringing and development of the child is primarily vested in the custodians. Municipal day-care services, preparatory school and school support the parents in this respect. The school shall aim at close cooperation with the home and provide support in the upbringing of the child. The child and his or her parents have the right to express their opinion, if the child needs to change schools or has difficulties in adapting himself or herself to school regulations. The parents have the possibility to affect the rights of their children also through the school board or parents' association. The student welfare team of the school has a duty together with the home to find ways to help the child or young person if he or she has problems in the school community.

98. Other support services provided by society for the custodians, such as child welfare measures, were discussed in the first periodic report (paras. 261-277). The children's day-care system is discussed in section VI.C. of this report.

99. The objective of the new Act on the Enforcement of Decisions Concerning Child Custody and Right of Access (619/1996) is to improve the possibility of implementing a court order or voluntary settlement concerning custody or right of access in the manner provided by such an order or settlement. The reform aims especially at developing the conciliation procedure to be used during the consideration by a court of disputes concerning enforcement of the right of access. Qualified conciliators shall persuade the parents to comply with the provisions of a court order or voluntary settlement concerning custody and right of access.

C. Separation of a child from his or her parents (art. 9)

100. The provisions of the Child Welfare Act, the Adoption Act and the Child Custody and Right of Access Act, as presented in the first periodic report of Finland (paras. 278-287), are still in force.

101. The Child Custody and Right of Access Act was amended in 1994 by adding provisions concerning conflicting laws. Basically, the custody of a child is determined in accordance with the law of the State where the child has his or her habitual residence.

102. The Act on the Enforcement of Decisions Concerning Child Custody and Right of Access (619/1996) has aimed at developing the conciliation procedure and thus ensuring that the child's own opinion shall be better taken into account (see III.D.).

103. The number of children placed outside their families has grown constantly in the 1990s. Whereas there were 8,724 children placed outside their homes in 1991, the number was 11,198 in 1996. When a child is placed outside his or her home for the first time, the measure is carried out as assistance in open care. At a later stage foster care may be continued by a decision to take the child into care. The number of child welfare units providing 24-hour care has grown constantly, but at the same time the size of such units has diminished. In 1995 there were 242 child welfare units, of which more than half had less than 10 beds. Several children's homes have changed their practice so that in addition to 24-hour care the unit also provides assistance in open care, such as social services for families. There may even be supported living and shelter homes arranged in connection with these institutions.

104. The national programme adopted by the Government for 1998-2001 emphasizes, among other things, that attention should be paid to the general well-being of children and young persons in social welfare and health policy. Also, the strategy for preventive social welfare and health policy of the Ministry of Social Affairs and Health has as one of its aims to ensure the stable development of children and young persons and to prevent social exclusion.

105. The National Research and Development Centre for Welfare and Health (STAKES) has launched a five-year project (1997-2001) concerning the question of taking children into care, in order to examine and develop methods for child welfare work. The Ministry of Social Affairs and Health, the Association of Finnish Local and Regional Authorities and several towns are participating in the project. For the opening of the project STAKES organized a two-day seminar in Helsinki in September 1997. Some 300 social welfare professionals participated in the seminar.

106. Funding is provided to non-governmental organizations each year from the profits made by a national slot machine association (Raha-automaattiyhdistys - RAY). In 1997 more than Fmk 114 million was allocated as support to child welfare work. These allocations are mainly used for the development of child welfare, the main areas being the prevention of social exclusion of children and families with children, improvement of professional preparedness for child welfare work, family rehabilitation, voluntary work and children's holiday camps.

107. Since 1984 it has been possible to maintain joint custody of the child after a divorce and have joint custody even when the parents are not married to each other. Although legislation does not require that the parents live together, in practice the child does not often meet the parent with whom he or she no longer resides. In the opinion of the Union of Single Parents and Joint Custodians, only a small part of children of divorced parents spend longer periods of time with the other parent, and more than half of such

children are more or less rejected by the other parent. The reasons for this can mainly be found in the attitudes of the parents, but there are also practical reasons. Efforts should be made to make the conditions more favourable for meetings between the child and the parent with whom he or she no longer resides. The living conditions of a person liable to pay maintenance should be supported, for example, by taking the children into account when the amount of housing allowance is determined. In addition, it would be necessary to provide places for meetings where persons incapable of looking after a child could get guidance from professional or voluntary workers. Information should be addressed to parents meeting children who do not live with them on the importance of the meeting for the development of the child.

D. Family reunification (art. 10)

108. The Aliens' Act contains a provision on family reunification. It stipulates that residence for a fixed term may be granted in cases where an immediate family member lives in Finland. As a rule, immediate family member refers to members of the so-called nuclear family: parents and children who have not attained the age of majority.

109. A Government Bill for the amendment of the Aliens' Act was introduced in Parliament in May 1998. The Bill partly suggests that existing practice be codified in the Act and partly suggests amendments to the Act. It is proposed that the Act should contain more detailed definitions of family members, prerequisites for granting a residence permit for a person residing abroad on the ground of family ties, and provisions on the procedure to be used when a residence permit is applied on the ground of family ties. A decision concerning an application for a residence permit on the ground of family ties may be appealed.

E. Illicit transfer and non-return (art. 11)

110. In 1994 Finland acceded to the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children (SopS 56/1994), done at Luxembourg on 20 May 1980, and to the Convention on the Civil Aspects of International Child Abduction (SopS 57/1994), done at The Hague on 25 October 1980. Before the accession to these Conventions, the Child Custody and Right of Access Act was amended by adding provisions concerning conflict of laws, including, for example, provisions on the competence of the court, the applicable law and the recognition and enforcement of decisions. Also, provisions concerning return of children on the basis of the Hague Convention and provisions concerning the procedure to be applied on the enforcement of a decision given abroad and on return of children were added to the Act.

111. The amended Act and Decree on the Enforcement of Decisions Concerning Child Custody and Right of Access entered into force on 1 December 1996 (see III.D.). The measures for ensuring enforcement were complemented by giving the courts the possibility of placing the person applying for the enforcement of right of access under a duty to give his or her own valid passport and the child's passport to the bailiff during the enforcement.

In order to prevent an illicit transfer of a child to another country, a court may also order the social welfare authorities temporarily to place the child in an institution owned by the State, a municipality or joint municipal board, or in other suitable care. Since the 1995 amendment to the Penal Code, it has been possible to impose a sentence on a parent, custodian or other person close to the child who arbitrarily takes a child under 16 years of age into care.

112. The union "Kidnapped Children", consisting of the parents of kidnapped children, finds it important that preventive measures be further developed by the authorities, and hopes above all that the social welfare authorities and the police will participate more actively in disputes concerning custody if the danger of kidnapping is apparent. It has also often been difficult for a parent who has lost his or her child to initiate proceedings concerning custody without delay in a foreign country. The Act on Public Legal Aid, which entered into force on 1 June 1998, improves the situation. The Act makes it possible to provide legal aid even when the proceedings are to take place abroad. The applicant's need for legal aid is assessed by the Ministry of Justice which may order that the legal costs of proceedings taking place abroad be compensated by the State, when this is strongly justified by the circumstances of the case. According to the Government Bill, for example, kidnapping justifies legal aid.

113. The Ministry of Justice acts as the central authority referred to in the above-mentioned conventions. In case a State not party to the conventions is involved, the Ministry for Foreign Affairs and the foreign mission in question help by all means available in order to resolve the situation. The new Act on Consular Services which is under preparation will include provisions defining the measures that may be taken by a foreign mission for the return of a kidnapped child. The Ministry for Foreign Affairs and the Ministry of Justice set up a working group in 1997 to find ways to deal with cases of kidnapping more intensively.

114. There are only a few cases of kidnapping per year (children transferred out of Finland), and no specific countries of destination may be pointed out. Last year there were four cases of kidnapping where the child was transferred to Russia by the other parent, which might indicate that it is necessary to consider bilateral arrangements for dealing with such issues in the future. Finland is actively observing the experience of bilateral agreements in Sweden and Norway.

F. Recovery of maintenance for the child (art. 27, para. 4)

115. The Child Maintenance Act provides for the responsibility of the parents for the maintenance of the child. The matter is given account of in more detail in section VI.D.

116. Finland is a party to the following conventions concerning the recovery abroad of maintenance:

Convention on the Recovery Abroad of Maintenance, done at New York on 20 June 1956 (SopS 37/1962);

Convention on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations Towards Children, done at The Hague on 15 April 1958 (SopS 41-42/1967);

Convention on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations, done at The Hague on 2 October 1973 (SopS 35/1983); and

Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters, done at Lugano on 16 September 1988 (SopS 43-44/1993).

117. An Agreement concerning the Recovery of Maintenance Contributions was signed between Finland, Iceland, Norway, Sweden and Denmark in Oslo on 23 March 1962 (SopS 7-8/1963).

118. In addition, Finland is a party to the following bilateral agreement and arrangements making the recovery of maintenance more efficient:

Agreement between Finland and Austria on the Recognition and Enforcement of Judgments in Civil Matters (SopS 17/1988);

Arrangement between Finland and Ontario Province concerning Reciprocal Enforcement of Maintenance (SopS 33/1990); and

Arrangement between Finland and the United States of America concerning Reciprocal Enforcement of Maintenance (SopS 57/1996).

G. Children deprived of a family environment (art. 20)

119. The provisions of the Child Welfare Act, as discussed in paragraphs 295-302 of the first periodic report, are still in force.

120. During their work the working group dealing with child issues (see I.A.) made an observation that foreign children may remain outside the protection of child welfare authorities while waiting for a residence permit from the immigration authorities. In this kind of situation the authorities do not easily resort to child welfare measures interfering in the family situation of a child coming from a foreign culture. The working group emphasized in its report that even foreign children are entitled to child welfare in accordance with Finnish law. The report will be communicated to all municipalities and provincial governments, to the authorities responsible for child welfare.

121. The project launched by the National Research and Development Centre for Welfare and Health is discussed in section V.C. of this report.

122. The placing of minor refugees and asylum seekers is discussed in part section VIII.A.1.

H. Adoption (art. 21)

123. The Finnish legislation is based on the principle of so-called strong adoption. By adoption all rights and duties of the biological parents are terminated and those of the adoptive parents are substituted. By adoption the child also legally becomes part of the new family.

124. In 1997 Finland acceded to the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, done at The Hague on 29 May 1993 (SopS 29/1997). On that occasion the national legislation was harmonized with the provisions of the Convention. The principles governing adoption - best interests of the child, consent of the biological parents, hearing of the child and prevention of exploitation of adoption for commercial purposes - as presented in the first periodic report of Finland (paras. 303-310) are still in force. Because the Adoption Act of 1985 also contained provisions concerning international adoption agencies, accession to the Convention did not require any significant amendments to legislation in respect of inter-country adoption.

125. Inter-country adoption has become increasingly popular in the past 10 years. In 1997 192 children arrived in Finland through inter-country adoption; in 1987 the number was 45. The number of children adopted from abroad is nevertheless small compared with many other countries receiving children. Each year there are approximately 200 adoptions where the biological parents are Finnish citizens. Most of these take place within the family. Because all the children who are born in Finland and need adoptive parents can be adopted in Finland, inter-country adoptions involve Finland merely as a receiving party.

I. Periodic review of placement (art. 25)

126. The provisions of the Child Welfare Act and Decree, as presented in paragraphs 319-320 of the first periodic report, are still in force.

J. Violence and neglect (art. 19), recovery and reintegration (art. 39)

127. Although corporal punishment of children is forbidden in Finland and the general attitude is against violence, hospitals register 40 to 50 cases of violence towards children each year.

128. Physical violence directed at children mainly takes place within the family, and is thus difficult to notice. In the past 25 years there have been approximately 300 cases of violence or probable violence towards children as a result of which the child died, and 94 of the assaults were committed by a parent. It is known, however, that family violence is rather usual and when the violence is constant, children are usually the victims. Approximately 10 per cent of accidents are self-caused and 80 per cent of traumatic deaths of children under 2 years are caused by assault.

129. Serious cases of violence mostly involve small children. Assaults are the reason for 80 per cent of fractures of long bones among small children (under 1 year) and for 95 per cent of injuries inside the skull.

130. The Ministry of Social Affairs and Health and the National Research and Development Centre for Welfare and Health (STAKES) have been preparing a project concerning the prevention of violence towards women in 1997-2002. The project will also address family violence, and in this connection it is important to select experiences of children and take them into account in the statistics.

131. Assault is easily considered a child welfare problem, but even the role of health care is relevant, as regards the making of a diagnosis and treatment. In the autumn 1997 STAKES, the Child Clinic of the Helsinki University Hospital and the Education Unit of the Social Welfare and Health Care Office of the City of Helsinki arranged a seminar dealing with violence towards children.

VI. BASIC HEALTH AND WELFARE

A. Disabled children (art. 23)

132. Action programme on disability policy. The National Council on Disability is a body subordinate to the Ministry of Social Affairs and Health, having as its duty to promote cooperation between authorities, disabled persons and their families, and organizations for disabled persons in the planning, development and implementation of social policy and in matters affecting the living conditions and welfare of disabled persons. Half of the members of the Council represent organizations for disabled persons and half represent different authorities. The National Council on Disability gives opinions, for example on the education of disabled children.

133. In 1995 the National Council on Disability adopted an action programme on disability policy, which has been drafted in accordance with the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities and covers all sectors of life and activities; those parts of the action programme which deal with rehabilitation, education, social security and family life are specially relevant for disabled children.

134. Education. School is compulsory for all disabled children in Finland. The objective has been to integrate the education of disabled children with public education as far as possible, but the integration has been rather slow. In the school year 1994/95 there were 11,350 children of comprehensive school age who received education in a special school and 6,145 children of comprehensive school age who received education in a special class. Approximately 80,000 children received part-time special education. The National Council on Disability has emphasized that the education of disabled children should be integrated more efficiently with the general integration. Special education is justified, for example, in the case of deaf persons who use sign language for communication. Special education is also necessary for supporting the studies of disabled children together with other children.

135. Legislation has provided prerequisites for integrating the education of disabled children with the comprehensive school. A municipality or other authority may provide disabled children with individual tools and school assistants, as well as school transport and interpretation services. A disabled child is given a personal school curriculum, when necessary. It is suggested in the Government Bill (HE 86/1997) for legislation concerning education, submitted to Parliament, that the personal school curriculum should be compulsory. Austerity measures taken by municipalities have also affected the education of disabled children.

136. The responsibility for the education of disabled children was transferred to school authorities in 1985. A significant change in respect of

the rights of these children was the amendment to the Comprehensive School Act on 1 August 1997, by which the responsibility for the education of severely disabled children was transferred from the social welfare authorities to comprehensive schools. There are approximately 700 severely disabled children between 6 and 17 years.

137. A total review has been made of the special education in comprehensive schools (Erityisopetuksen tila, National Board of Education, 2/1996), and recommended measures of development have been taken since 1996.

138. Support for culture. It is necessary to further improve the possibilities of disabled children to participate in creative activities in the field of art and culture. The Ministry of Education, Science and Culture supports the cultural activities of visually disabled or deaf persons, maintains a library for visually disabled persons and publishes literature in simple language. Organizations for disabled persons also arrange cultural activities, for example in camps organized for their members.

139. Adapted physical education. Sports activities for children and young persons with different disabilities are at present arranged especially by special schools and classes, municipal sports instructors specialized in adapted physical education and organizations for disabled persons. Sports activities arranged by special schools and classes vary from school to school, but in most existing special schools (in total 20) sports are relatively well arranged. At present special schools have teachers who have been trained to give physical education. There are approximately 20,000 children receiving special education, and most of them attend special classes in connection with public schools. Continuing education of teachers is an important challenge today.

140. Organizations for disabled persons and specialized sports associations arrange sports activities for some 3,500 children with disabilities or long-term illnesses.

141. At present there are approximately 5,000 children or young persons with different disabilities participating in sports activities arranged in addition to physical education given at schools. The number is small when compared with the number of children participating in sports activities in general. Measures for improving the situation could be targeted both at schools and municipalities and at sports associations. Proposals were presented, inter alia, at a nationwide seminar concerning sports for disabled persons and in a committee report concerning adapted physical education. According to these proposals, the Subcommittee of Adapted Physical Education of the State Sports Council should give priority to the suggested measures and undertake to implement them.

142. Community planning and traffic arrangements. Taking persons with physical impairments into account in community planning and in the planning of traffic and buildings improves in many ways the quality of life of disabled children. The regulations concerning construction of buildings suitable for persons with physical impairments have been given in the Finnish Building Code in 1997. Also, the existing Building Decree provides that the needs of persons with physical impairments shall be taken into account when public

buildings and office buildings are planned. Material for environmental planning and construction, taking into account the needs of such persons, will be published in 1998.

143. Equal opportunity of movement has been one of the most important objectives when public transport has been developed. According to the Act on Passenger Transport, as amended in 1994, the municipalities shall take into account the needs of different population groups, such as children, elderly people and disabled persons, when public transport services are determined. Measures making public transport easier to use also improve the possibilities of disabled children, other children and adults travelling with children for equal participation in society. For example, the new service routes of buses and systems of door-to-door service are especially suitable even for transport of children whose disabilities are not severe. Ordinary taxis and taxis with special equipment for the disabled have been used for years for school transport and excursions of disabled children.

144. Children using sign language. When the constitutional provisions on fundamental rights were amended, the language and minority rights of those using sign language and of those who require interpretation or translation because of a disability were confirmed - these rights shall be guaranteed by Act of Parliament. The Ministry of Justice set up a working group in 1996 to examine ways to ensure the equal rights of persons using sign language. The working group gave suggestions, for example, for developing the upbringing and education of deaf children.

145. Children with mental impairments. The Ministry of Social Affairs and Health set up a working group in 1995 to examine how well the structure of support services for the disabled worked and how economical it was. The working group was to give recommendations for improving the situation. In an activity plan concerning municipalities, attention has been paid to family services, arrangements for temporary care of children, providing of information and development of possibilities to receive rehabilitation at an early stage.

B. Health and health services (art. 24)

146. The state of health of children has in general developed well in the past 10 years, because the rate of mortality and the number of accidents and contagious diseases have decreased. The treatment of different illnesses has increased and become more efficient. The number of diagnoses has grown especially in respect of allergies, asthma, rheumatism and diabetes. As regards the last three illnesses, no definitive conclusion may be drawn as to the reasons behind this growth. It is possible that illnesses are detected more efficiently and treated more often than before, but one reason for the growth in the number of diagnoses could be the increased incidence of those illnesses. As regards diabetes, it is clear that this illness has become more common. Depression and mental health disorders among children have been treated more often, but it is not possible to say on the basis of statistics if children have more mental health problems than before.

147. In connection with the consideration of the first periodic report of Finland, the Committee was concerned at "the insufficient attention paid to

the need for an efficient coordination mechanism, between various ministries, as well as between central authorities and local authorities (municipalities), in the implementation of comprehensive policies for the promotion and protection of the rights of the child" (A/51/41, para. 1015).

148. Under the existing legislation, social welfare and health-care services are to a great extent arranged by municipalities. The municipalities independently carry out the duties provided by law. The Government adopts each year a national programme for social welfare and health care. The programme outlines objectives which are current and important for the development of services but which usually cannot be defined in the legislation. The aim is for municipalities and joint municipal boards to pay attention to questions which have been pointed out in the programme. The programme includes matters which are relevant for social welfare and health policy and which require development of services and removal of deficiencies at the national level.

149. The national programme adopted by the Government for 1998-2001 concentrates, inter alia, on improving the health and welfare of children and young persons and on the prevention of isolation. It is important that the need for help of children, young persons and their families is identified and that the social welfare and health services meant for them are ensured and developed. In addition, municipalities have good possibilities for developing cooperation between different branches of administration and voluntary workers in supporting the healthy development of children and young persons and in the prevention of social exclusion.

150. The strategy elaborated in 1997 by the Ministry of Social Affairs and Health for preventive social welfare and health policy emphasizes the importance of ensuring the stable development of children and young persons as well as of preventing social exclusion. The strategy outlines measures taken by the Ministry in this area.

151. A plan drafted by the Ministry of Social Affairs and Health for the year 1997 concerning the promotion of health emphasizes prevention of smoking and the reducing of smoking among young persons, as well as prevention of drinking, improving the quality of food and promoting the psychological well-being of children and young persons.

152. The Ministry of Social Affairs and Health and provincial governments have agreed on certain objectives in their activities. One objective to be met has in the past couple of years been the promotion of health among children and young persons and the prevention of social exclusion.

153. Government subsidies have been given to promote the health of young persons in 1997, with special emphasis on the reducing of smoking, promotion of mental health, prevention of venereal diseases, promotion of health at schools, prevention of the use of intoxicants, healthy food and promotion of sports activities. Financial support has also been provided for several projects aiming at the prevention of social exclusion among young persons.

154. A national report on the state of health and welfare of children and young persons was published in the spring of 1998. Proposals for the

development of services will be given on the basis of this report. One objective is that municipalities would draft reports on the health and welfare of children and young persons which could be submitted to the municipal councils for consideration. The preparedness of municipalities for drafting such reports has improved in 1997, since they have had more information and methods available to them.

155. Mother and child welfare clinics. Municipalities promote the health of children and young persons by providing mother and child welfare clinic services. The work of clinics has also been affected by the changes in basic health care and by the economic recession at the beginning of the 1990s. At the same time there have been, however, several local and regional development projects concerning mother and child welfare clinics. The Ministry of Social Affairs and Health carried out a project between 1989 and 1993 for developing mother and child welfare clinics and school health care in the whole country. The National Research and Development Centre for Welfare and Health (STAKES) published a report concerning child welfare clinics in 1997, including a review of the situation in three municipalities. The report showed that the greatest problem in respect of child welfare clinics is the differences between municipalities in the organization of clinics and resources and in the cooperation with child guidance and family counselling centres. In other words, some child welfare clinics work in an exemplary manner, whereas some others work deficiently. Also, the lack of suitable methods for the evaluation of the work of child welfare clinics was a problem. It was further noted that coordination of regular inspections would be necessary.

156. Guidelines for developing the work of mother and child welfare clinics as well as a proposal for measures needed for implementing these guidelines will be prepared by the Ministry of Social Affairs and Health during 1998.

157. Children's nourishment. Finnish mothers are motivated to breastfeed their babies. According to a study done in 1995, nearly all newly born babies were breastfed when they left the hospital, and 97 per cent of children under 1 month were breastfed, two thirds of them receiving no other food. Approximately half of the children were breastfed until the age of 6 months and 25 per cent until the age of 9-11 months.

158. A working group set up by STAKES prepared an action programme based on the Baby-Friendly Hospital-Initiative in 1996, in order to promote breastfeeding. This action programme has been widely distributed to hospitals and health-care centres, and education relating thereto has been arranged for health-care professionals. The Ministry of Social Affairs and Health has published a guide on the food requirements of small children and pregnant women and women who breastfeed their babies, in support of guidance provided by professionals in that field. The guide is complemented by other material. The guide has to a large extent been a basis for education given to persons working with children's food.

159. In order to prevent rickets, all children in Finland shall be given vitamin D preparation from the age of one week until the age of two years. According to the study carried out in 1995, only 5 per cent of children under one year did not regularly receive vitamin D preparation. There have been

cases of rickets in Finland even in the past few years. Between 1986 and 1990 there were 245 cases, and the number has been growing. These cases have been caused by negligence in giving vitamin D.

160. According to the most recent study concerning the nourishment and health of children (STRIP-Baby 1996), small Finnish children do not suffer from deficiency of nutrients. The quantities of nutrients received by the children are at least those recommended. However, occasionally a child may suffer from lack of iron.

161. Children who attend full-day care receive in their day-care places meals that correspond to two thirds of their food requirements. In practice, however, some children eat considerably less in their day-care places. Schoolchildren are entitled to an adequate cost-free meal every school day. According to a study by the Ministry of Social Affairs and Health, only 15 per cent of pupils under 13 years choose to eat all parts of the meal (main course, salad, drink and bread). Other studies have shown that schoolchildren do not eat as much as recommended. There are nevertheless no deficiencies of nutrients, and the children in general eat well. Approximately 10 per cent of pupils are overweight. A guide for the prevention and treatment of overweight children will be drafted in 1998, to be used by health-care personnel.

162. Mental health services for children and young persons. A special project was launched in 1996 in order to examine measures taken against the will of minors in respect of mental health care, child welfare and prison sentences. New health-care units were established for the treatment of children and young persons during the project, but not even those have been sufficient to cover the increased need of treatment. On the basis of an earlier study, the Ministry of Social Affairs and Health has re-examined in the spring of 1998 the organization of psychiatric treatment of young persons in different regions.

163. School and student health-care services. Finland has an extensive system of school health care, financed by the municipalities. School health care includes the supervision of health conditions at schools and the health care of pupils, as well as any medical examinations needed for determining the state of health of pupils. School health-care services are cost-free for the pupils. State subsidies are granted for school health care. Some school health-care services have been transferred from schools to health-care centres. In some cases lack of personnel has delayed the psychosocial examination needed by a child. However, the objective is for the child to receive appropriate treatment or be provided with special arrangements early enough, so that there is no danger of social exclusion.

164. The availability of a school nurse is important for the safety of schoolchildren. Studies have shown that the school nurse often is the person to whom schoolchildren most often tell their problems. The school nurse plays an important role in the prevention of social exclusion among young persons.

165. Sexual health of young persons (venereal diseases, contraception, pregnancy). Sexual behaviour and use of contraception among young persons attending comprehensive school has systematically been studied in Finland since 1986 (e.g. a study called KISS and a study arranged by WHO). A study

initiated in 1995 covers even young persons attending upper secondary school and professional colleges. In addition, the use of contraceptive pills by young persons has been studied every other year since 1981.

166. The age at which young persons have sexual intercourse for the first time has not significantly changed in the past 10 years. In 1996 the first time had been experienced by 29 per cent of girls and by 24 per cent of boys between the ages of 15 and 16. The use of contraceptive pills has remained stable in the 1990s. In 1997 36 per cent of girls under 18, 17 per cent of girls under 16 and 2 per cent of girls under 14 used contraceptive pills.

167. The number of abortions performed on young girls has remained rather small in the past few years, although a slight increase can be noticed in 1997. The number of births in this group has decreased to some extent. Thus, the number of new pregnancies has remained stable. Compared with other countries, the situation in Finland is good.

168. The number of births and abortions per 1,000 girls aged between 15 and 19 years in the years 1993-1996 was as follows:

	1993	1994	1995	1996
Births	10.5	10.0	9.9	9.8
Abortions	9.5	9.0	9.3	9.6

169. The Contagious Diseases Act obligates doctors and/or laboratories to report detected cases of gonorrhea, chlamydia, syphilis and HIV. There were some 65 cases of chlamydia per 1,000 persons aged between 15 and 19 years in 1996, and only a few cases among younger persons. As regards gonorrhea and syphilis, there were only a few cases among persons aged between 15 and 19 years, and no cases at all among younger persons. So far there have been only a few cases of HIV among children. The cumulative number of HIV infections among children between 0 and 4 years in 1980-1996 was four, and among persons between 15 and 19 years there were five cases. No HIV infections have been detected among children between 5 and 14 years. Since it is possible to diminish the risk of a child of an HIV-positive mother becoming infected by providing medical treatment during the pregnancy, a voluntary HIV screening test will be arranged in 1998 for all pregnant women. The cumulative number of new cases of HIV infections on 31 December 1997 was 865. Women accounted for 32 per cent of the new cases of infections detected in 1997, and one child was infected by the mother.

170. In order to promote the sexual health of young persons, the Ministry of Social Affairs and Health sends a brochure concerning sexuality and venereal diseases to 16-year-old persons each year, including a condom and a letter to the parents. A nationwide seminar concerning sexuality in Finland, arranged each year, dealt with young persons and sex in 1997. Sexual education at schools was studied in 1995-1996. The results of the study were used for the education of professionals working with young persons. A family planning project of STAKES has aimed at developing new working methods for sexual education and at improving the skills of professionals working with young

persons. Appropriations reserved for the promotion of health have been used to improve the sexual health of young persons and sexual education, including sexual education meant for disabled persons.

171. Environmental health. Compared with other countries, the level of health care, protection of the environment and environmental and health control is high in Finland. Thus, the situation of children and young persons is also good.

172. A national environmental health programme was published by the Ministry of the Environment and the Ministry of Social Affairs and Health in 1997 (Committee Report 1997/8). The interpretation of the concept of environmental health is extensive. Environmental factors affecting, inter alia, the health of children include not only physical, biological and chemical factors, but also the physical environment including nature as well as psychological, social and aesthetic factors of the environment.

173. The measures introduced in the environmental health programme also help children, directly or indirectly. Problems endangering the health of children include mildew problems at day-care centres and schools, exposure to smoke, noise and air pollution, and accidents in traffic and at home. The programme suggests measures to prevent problems and improve the situation as well as measures to improve the living environment. For example, when the quality of the air is tested, the special needs of children shall be taken into account. (The air quality is regulated by a Government Decision of 1996.) It is necessary to further examine the exposure of children to noise and to take appropriate measures for reducing such exposure. (Noise level is regulated by a Government Decision of 1992.) It is important to pay attention to the needs of children in municipal plans for reducing exposure to noise. As regards food safety, the health of children shall be taken into account when the allowed quantities of harmful substances are determined. The national environmental programme provides for measures to be taken by authorities and for cooperation between different authorities mentioned in the programme.

174. The Ministry of the Environment has prepared a special programme concerning buildings with mildew and humidity problems, aiming at preventing detrimental health effects of such buildings both in general and in respect of children. The Government Bill for a new Building Act contains several provisions that would contribute to reducing and preventing building mistakes. When parts of the collection of building regulations were amended, the prevention of mildew and humidity damage and good-quality room air were specifically paid attention to.

C. Social security and children's day care (arts. 26 and 18, para. 3)

175. Effects of austerity measures. In order to stabilize the national economy, it has been necessary to reduce benefits to families with children in the 1990s. Municipalities have managed to cut down public expenditure on schools, day-care centres and other services for children by reducing the number of employees in different ways. An additional protocol to the present Government Programme also defines austerity measures concerning benefits to

families with children. Child allowance, home-care allowance, parents' allowance and housing allowance have been subject to austerity measures since the mid-1990s.

176. Social security of families with children. The Finnish legislation concerning social insurance and social security is applied to all persons residing in Finland. Thus, even children are entitled to individual social security. Every child residing in Finland is, inter alia, insured against illness from birth in accordance with the Social Insurance Act.

177. Children with long-term illnesses or disabilities are entitled to several benefits. In practice, however, people have found securing benefits to be problematic, and not all people entitled to such benefits have been aware of their rights. There has been public debate on making the benefits more uniform.

178. Development of parents' allowance. A woman whose pregnancy has lasted at least 154 days is entitled to maternity allowance for 105 weekdays. Immediately after this, parents' allowance shall be paid to either parent of the child for 158 weekdays. The parents may mutually agree to whom the parents' allowance is paid. If the allowance is paid to the father of the child, it is required that he participates in the care of the child and is not in gainful employment.

179. The provisions concerning the system of parents' allowance have been amended so as to better take the special needs of the family into account as regards adoption, birth of a premature baby or birth of several babies at the same time. Since the beginning of 1997 parents' allowance has been extended by 60 days for those parents who have more than two children at the same time. Since the beginning of 1997 parents' allowance has also been paid to an adoptive parent of a child under seven years, if he or she participates in the care of the child and is not in gainful employment. Since the beginning of 1997 the parents of a premature baby have been entitled to parents' allowance until the baby reaches that stage of development at which other children are when the maternity or paternity leave of the parents ends.

180. Children's day care. The children's day-care system, discussed in the first periodic report of Finland (paras. 410-515), has been extended so that since the beginning of 1996 every child under school age has had an absolute right to municipal day care, either in a family or in a day-care centre. The benefit system concerning the care of small children was amended by the Home Care Allowance Act (1128/1996). Instead of exercising the child's right to municipal day care, the family may choose a financial benefit either as home-care allowance or private-care allowance.

181. At the same time as the Home Care Allowance Act, new provisions were enacted on the fees of municipal day care. These provisions define the fees on the basis of the size and income of the family. The maximum fee was reduced. Families with low incomes are still entitled to cost-free municipal day care.

182. Parliament required the Government to follow how well the reform of the system of home-care and private-care allowances and the financing of the

system were working and developing economically, and to take measures when necessary. The idea is that the Ministry of Social Affairs and Health, the National Research and Development Centre for Welfare and Health and the Social Insurance Institution will cooperate in this respect.

D. Standard of living (art. 27)

183. The Child Maintenance Act (704/1975) obligates parents to maintain their own child. According to the Act, a child shall have the right to sufficient maintenance from his or her parents. If the parents fail to pay maintenance, the child may get a maintenance grant from the municipality under the Security of Child Maintenance Act (122/1977). The parent shall be liable to compensate the maintenance grant paid by the municipality, and may be exempted from the liability only when the failure has been caused by a reason specifically provided by law.

184. Parliament is considering the two Government Bills (HE 73/1996 vp and HE 128/1997 vp) concerning the amendment of the above-mentioned Acts. The purpose of the amendment is to make the system providing adequate maintenance for the child more efficient.

185. The obligation of parents to provide maintenance for their child is clearly emphasized and the obligation is remarkably strict. This obligation is not affected by divorce, a decision to take the child into care or a decision to grant the custody of the child to one of the parents - the obligation may only be removed by adoption. Parenthood created by adoption is the only situation where the maintenance obligation is not tied to biological parenthood. In families with children from earlier marriages of the spouses, there are no maintenance obligations nor other parental rights or obligations based on law in respect of the children of the spouse living in the same household.

186. There have been changes in the income and expenditure of families with children in the 1990s, caused by the high unemployment rate and austerity measures affecting family benefits. The income of families with children decreased by approximately 10 per cent and expenditure by approximately 8 per cent between 1990 and 1995. During that time differences in the income of different population groups did not increase, however, since the income of almost all groups decreased. The proportion of salaries in the income of families with children and other households became smaller, and the proportion of different social security benefits grew.

187. Since 1993 the employment situation has slowly improved even in respect of families with children. Whereas some 24 per cent of children in 1993 lived in families with one or two unemployed parents, the figure in 1997 was 16 per cent.

188. Housing costs in Finland are relatively high. Part of reasonable housing costs of families with low income are paid from government funds, which evens out the housing costs of such families. Housing allowance has a strong equalizing effect on the costs of families. The amount of housing allowance depends, inter alia, on the size, income and housing costs of the family. In 1996 approximately 14 per cent of families with children were

granted housing allowance. The number of families receiving housing allowance has decreased, because the economic recession made it necessary to have stricter grounds for granting allowance in 1995 and 1996. The housing allowance system has, however, mainly remained the same. The grounds for granting allowance were no longer made stricter in 1997, and it has again been easier to get allowance in 1998. The reduced housing allowance of families with the lowest income has been compensated with the system of income allowance.

189. Unemployed families are supported by a child supplement for children under 18 years, added to the earnings-related unemployment benefit and to the daily unemployment benefit. The system of labour market benefits paid to the unemployed entered into force on 1 January 1994. The system ensures a minimum income for those unemployed persons who no longer receive daily unemployment benefit and who enter the labour market for the first time. A child supplement is added to the labour market benefit. This was reduced to 40 per cent of the daily unemployment benefit.

190. Young employees in particular faced unemployment at the beginning of the 1990s. The Government aims at reducing unemployment among young employees by different means. In the past few years the unemployment rate among young employees has indeed decreased faster than among other groups. In 1995 and 1996 the number of unemployed under 25 years, registered by the employment service agencies, decreased by nearly 24,000 persons. In 1997 there were approximately 53,900 unemployed under 25 years looking for work, which was 14,600 less than in the previous year. The unemployment rate among young persons has decreased by over 40 per cent since 1996.

191. The lower unemployment rate among young persons is due to an improved level of education, a greater demand for young employees, and the fact that unemployment security consists not only of unemployment benefit. All young unemployed persons are given a new opportunity by offering them education, retraining, apprenticeships, work or other activities which facilitate their access to the labour market.

192. In connection with the consideration of the first periodic report, the Committee on the Rights of the Child was "worried about the impact on children of the difficult economic situation prevailing in the country, which has resulted in budgetary cuts, and the existing trends towards decentralization and privatization. In this connection, it [was] particularly concerned as to whether appropriate measures had been undertaken to protect children, particularly those belonging to the most vulnerable groups" (A/51/41, para. 1014).

193. There is no simple and definitive answer to this question. The losses of income caused by unemployment and austerity measures have made the economic situation of families with children more difficult. So far, however, the empirical information does not prove that the relative standard of living of families with children has become weaker than that of other population groups. The relative poverty of families with children has not increased. The standard of living, measured, inter alia, by the level of income and housing, temporarily ceased to rise during the economic recession. The use of income allowance as the last resort has increased, although the national economy has

improved. This is a symptom of economic problems of households. Even when the minimum income of the population is basically well ensured, there are new problems, such as deep indebtedness, long-term unemployment and queuing for food, faced also by families with children.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Education, including vocational training and guidance (art. 28)

194. No significant changes have been made to the Finnish education system as it was presented in the first periodic report of Finland (paras. 437-455). Children have a right to receive comprehensive school education free of charge. The comprehensive school education must be arranged so that the child's age and preparedness for learning are taken into account. Thus, even severely disabled children are taught at comprehensive schools. Children start school in the year they reach the age of seven. Compulsory education continues for 10 years or until the completion of the nine-year-long comprehensive school curriculum. There are also supervised private institutions in nearly all fields of education, having the same minimum standards of education as public schools. The possibilities of choosing one's school improved by the reform of the State financing system which entered into force on 1 January 1997. The reform means that the financing system sets no limits on attending school even outside one's home municipality or at a private comprehensive school.

195. A Government Bill (HE 86/1997) to amend the school legislation has been submitted to Parliament. One purpose of the amendment is to reduce the number of existing Acts into more consistent entities.

196. Certain municipalities have needed to lay off their entire personnel in order to save money. This measure has also affected teachers working at public schools in municipalities. In 1997 47 municipalities (about 10 per cent of the total) laid off teachers or had other arrangements interrupting teaching. The measures affected in total 1,500 teachers, which is approximately 4 per cent of all teachers of comprehensive schools. The duration of the lay-offs varied from a few days to four weeks. During the lay-offs education was often arranged so that one teacher took care of the lessons of another teacher at the same time. Preliminary information concerning 1998 indicates that the number of municipalities planning lay-offs or other comparable arrangements in order to save money is slightly bigger than last year. A little less than 10 complaints have been lodged with provincial governments concerning the lay-off of teachers. The Ministry of Education is observing the situation and will, if necessary, consider amendments to legislation. A positive aspect is, however, that many municipalities have already announced that lay-offs will not be used as an austerity measure next year.

197. In connection with the consideration of the first periodic report, the Committee on the Rights of the Child was concerned by the recent increase in school drop-outs. This is probably a misunderstanding caused by the imprecise wording in the relevant part of the report. According to Statistics Finland, only 0.03 per cent of all pupils did not receive the prescribed education in

the school year 1996/97. These pupils had either completely dropped out of school or had reached the age at which compulsory education terminates. As regards professional education and upper secondary schools, the proportion of drop-outs increased during the economic boom at the end of the 1980s and when the rate of unemployment was low. The subsequent economic recession reduced the proportion of drop-outs - according to the most recent statistic figures (from 1995), the proportion of students dropping out of upper secondary schools was 4 per cent. In respect of professional education, however, the better economic situation increased the number of drop-outs (10.2 per cent of students dropped out in 1995).

198. New forms of school have been developed for those who have not received any post-school education or who have dropped out of school. Workshops are an example of such new forms. Practical work constitutes a significant part of the curricula of workshop schools, aiming to provide young persons with training for a profession.

199. Minorities. Due to their cultural background, Romani children have even in the past few years often failed to complete school. The situation in respect of school attendance and acquired post-school education has clearly improved every year, but there are still school drop-outs to some extent among Romani children. The Comprehensive Schools Act and the Upper Secondary Schools Act were amended in 1994 so that it became possible to teach the Romani language (as well as the Sami language and a foreign language) as the mother tongue of the pupil, in which case the second national language taught is either Finnish or Swedish. The first textbook for the Romani language was published in 1995. Requirements concerning the size of groups has made it difficult to extend the teaching of the Romani language as the mother tongue to children living in sparsely populated areas. Both the Advisory Board for Romani Affairs and the Sami Thing have been of the opinion that the economic problems of municipalities (austerity measures taken as a result of reduced State subsidies) have affected the fact that schools do not pay enough attention to the teaching of the mother tongue of the two ethnic minorities. The Sami language is taught and teaching is given in the Sami language mainly at primary schools in the municipalities of the Sami area. The greatest problem at secondary schools and upper secondary schools is the lack of material and qualified teachers. In 1996 there were 49 students whose mother tongue was Sami studying at the Finnish universities. Legislation concerning the teaching of minority languages and in minority languages is discussed in section VIII.D.

200. School welfare. The Child Welfare Act places the municipalities under a duty to provide adequate support for educational guidance, promote measures to remove social and psychological difficulties of pupils and enhance cooperation between the school and the home. This is one of the duties of municipal school psychologists and school welfare officers. The purpose of their work is to minimize problems in learning and adaptation and to take the maturity and individual preparedness of pupils into account in their education. Being experts in personal relationships, they are also able to give professional guidance and support for teachers as regards problems at work. However, the offices of school psychologists and school welfare officers are not evenly distributed in the country, since nearly 90 per cent of school psychologists and 80 per cent of school welfare officers work in southern Finland.

201. Public debate has recently been raised on whether bullying at schools has increased and is becoming more serious. Studies have been done on bullying at schools since the 1970s. Those studies do not prove any clear changes in the frequency of bullying during the past two decades. It can be concluded on the basis of a study published by WHO in 1994 that bullying is as usual at Finnish schools as in European schools in general - approximately 6 per cent of pupils have weekly been terrorized at school. In such situations the parties mainly need help from adults who are well familiar with the school community.

202. It is also possible to use the services of child and family welfare offices, health-care centres and mental health offices, although the services in respect of human relationship problems have been reduced since the number of employees has been cut. The services in this field could, however, be developed by creating a cooperation network consisting of psychologists and school welfare officers as well as the local social welfare and health-care authorities, school authorities and, in some cases, the police.

203. Study and career guidance. The curricula of all kinds of schools emphasize the importance of personal guidance. Recently, the need for guidance has increased partly because of wider freedom of schools to decide on the number of hours spent on each subject (see also III.D.). Also, the emergence of polytechnics as a new form of studies has increased the need for personal guidance. So far there have not been adequate resources for responding to this need, since the resources of schools for providing study guidance have remained the same or have sometimes even been reduced.

204. The new Employment Services Act (1005/1993) entered into force at the beginning of 1994, defining also career guidance and professional education services as employment services within the meaning of the Act. The Employment Services Act places employment, social welfare and health-care authorities as well as school authorities under a duty to cooperate in the organization of employment services and in the implementation of measures relating thereto.

205. As regards career guidance and professional education, the Employment Services Act did not change the situation as described in the first periodic report of Finland. Schools and educational institutions are still mainly responsible for study guidance given to their students, whereas the employment authorities provide cost-free career guidance for young persons. Part of the guidance given at schools is organized in cooperation with psychologists qualified to give career guidance, working at employment service agencies. The Act is applied even to persons who are not Finnish citizens, on the grounds defined by the Act. The Employment Services Act also requires that the principles of free movement of labour and equality between the sexes in the labour market shall be taken into account when employment services are provided.

206. In 1996 there were 42,250 clients of employment service agencies receiving personal career guidance. Of these clients 32.7 per cent were between 15 and 19 years old, 64 per cent being students and 26 per cent unemployed. The remaining 10 per cent of 15- to 19-year-old clients consisted, among others, of those living at home with their parents. Of young

persons 52 per cent sought career guidance on their own initiative, 24 per cent were sent by the tutors of their comprehensive school or upper secondary school and 14 per cent on the suggestion of an employment service agency. Of persons receiving guidance 82 per cent decided to seek education (there were no significant differences in the popularity of polytechnics and universities) and 7 per cent (950) decided to look for work (mainly temporary work and short-term employment contracts). Personal career guidance is one way by which it is possible to try and affect the traditional division between men's and women's jobs and enhance equality in education and work. Measures taken by employment authorities aim at increasing the number of women working in male-dominated fields and vice versa.

207. Pre-school education. The Finnish school system does not include preparatory schools in the proper sense of the word, but pre-school education is given by comprehensive schools and day-care centres. Pre-school education provided by comprehensive schools is cost-free for the parents. As regards pre-school education provided by day-care centres, the fees collected from the parents depend on the size and income of the family and on the number of children participating in day care from the same family. Municipalities are not under a statutory duty to organize pre-school education in connection with day-care services.

208. At the end of 1997 it could be noted that in total two thirds of six-year-old children had received pre-school education provided by day-care centres or comprehensive schools.

209. Day-care centres usually organize pre-school education by dividing the children into age groups (e.g. children under three years and children between three and six years). The largest day-care centres have separate groups for six-year-old children, in which it may even be possible to differentiate teaching in accordance with the maturity and needs of the children. In addition, day-care centres may have special groups for children from the same family, where the age range is from one to six years.

210. The pre-school education provided by comprehensive schools for six-year-old children may be organized either in a separate class or integrated with the first class (or combined first and second class).

211. In 1996 the National Board of Education, together with the National Research and Development Centre for Welfare and Health, drafted a curriculum for pre-school education to be given to six-year-old children. The aim of pre-school education is to create a stimulating learning environment where the child has an opportunity to create multiple skills together with other children. Individuality, active learning and growing as a member of a group are emphasized in the education.

B. Aims of education (art. 29)

212. The national framework for the curricula of different schools was reformed between 1994 and 1996. New guidelines were set for the curricula of comprehensive schools and upper secondary schools, with regard to the aims of education defined by law and described in the first periodic report (paras. 456-466). On the basis of common guidelines municipalities have been

able to establish a curriculum for each school and, if necessary, individual curricula for pupils. The reform of the national framework for school curricula is aimed at changing the contents of education and above all the teaching methods.

213. The guidelines for school curricula emphasize the active role of the pupil. It is considered important to have individual curricula where the talent, interests and learning difficulties of the pupil can be taken into account. A relevant strategy was to increase the possibilities for schools to take innovative measures themselves. Although the school curricula are still established by the municipalities, it has been possible to adopt separate curricula for individual schools. Thus, schools have been able to emphasize different aspects in their curricula. An independent evaluation of the Finnish reform of comprehensive school curricula has been made by a team from the Centre for Applied Research in Education of the University of East Anglia (United Kingdom).

214. The living environment. Sustainable development is given as one of the most important values in the guidelines concerning school curricula. The guidelines emphasize the role of education in making our lifestyle harmonious with ecological processes and biological diversity as well as with the availability of natural resources.

215. In the guidelines for the curricula of comprehensive schools the principle of sustainable development is mentioned in the course descriptions of most subjects. It is part of the aims and contents of environmental education and biology at primary school, and in biology and geography at secondary school. Environmental questions are mentioned even in the course descriptions of chemistry, physics, history and social studies, philosophy, mother tongue, arts, music, cookery and handicrafts. Also, the responsibility of mankind for the environment is emphasized in the course descriptions for different natural sciences taught at upper secondary schools. Environmental aspects including the effects of work and products on safety and on the environment are more and more emphasized even in professional education.

216. Multiculturalism as an aim of education. Values emphasized at comprehensive schools include cultural identity, multiculturalism and international communication. Tolerance and openness to different cultural backgrounds, opinions and languages as well as interest in them create a basis for mutual interaction between pupils and for international cooperation. International aspects, which aim at increasing knowledge of different cultures, are relevant for education at comprehensive school. For example, understanding of cultures and human rights ethics are taught at schools.

217. Also, the guidelines for the curricula of upper secondary schools and continuing education emphasize the fact that profound communication skills, tolerance and knowledge of different cultures are prerequisites for multiculturalism in Finland. One aim of professional education is that the student will be able to work with people belonging to different cultures and ethnic groups.

218. The Government adopted a resolution in February 1997 concerning measures to be taken by authorities in order to increase tolerance and to prevent

racism, and another resolution in October 1997 on the government programme for immigration and refugee policy. The principles enshrined in the resolutions are implemented in cooperation between, inter alia, the Ministry of Labour and the Ministry of Education. Education and labour administration also take the needs of immigrants into account in education of the labour force other than immigrant education, further professional education, university education and independent education.

219. Equality between women and men. Both school legislation and the Act on the Equality between Women and Men require that the promotion of equality between women and men is one of the aims of education at schools. The objective is that boys and girls will have equal rights and obligations in family life, work and society. Equality has received attention in the guidelines for and in the follow-up and assessment of school curricula. The Ministry of Education recommends that courses on the equality between women and men are to be included in the education of teachers. In most universities they are indeed part of the education requirements.

220. One problem is that boys and girls are not equally interested in certain subjects. In a plan for the development education and research carried out by universities for 1995-2000, drafted by the Ministry of Education, special attention is paid to equality, on the one hand, in the teaching of languages and, on the other hand, in the field of data and communication technology. The education authorities have indeed launched extensive projects in order to develop teaching of mathematics and natural sciences and that of languages at comprehensive schools and upper secondary schools. More intensive study guidance, development of teaching methods and material and the use of modern technology are ways of attenuating the division between boys and girls as regards interest in different subjects. The aim in respect of mathematics and natural sciences is, for example, that in the year 2002 more than 40 per cent of the pupils choosing advanced courses in mathematics, physics and chemistry will be girls.

C. Leisure, recreation and cultural activities (art. 31)

221. Use of leisure time by children and young persons. Use of time studies show that leisure accounts for more than half of the waking hours of children and young persons. They spend roughly a quarter of their free time with their friends and the same amount of time watching television. Half of children and young persons participate in the activities of different associations. Sports clubs are especially popular. Young persons also have more and more spontaneous activities related, for example, to computers and role games.

222. Youth work. Society, public authorities and other communities actively participate in youth work. Under the Youth Work Act, responsibility for the general administration and development of youth affairs rests with the Ministry of Education. For the purposes of the Act, youth work means promotion of non-governmental activities and improvement of the living conditions of children and young persons. The Ministry of Education finances cultural, sports and other activities meant for children and young persons. The funds (in 1997 some Fmk 150 million) are meant for municipal youth work,

national youth associations, development of workshop activities, national youth centres, international cooperation, research, promotion of youth culture, distribution of information, education and other development projects, for the activities of the Advisory Council for Youth Affairs and of a committee submitting proposals to the Ministry of Education concerning annual grants to organizations, as well as for the sections of provincial governments dealing with youth work.

223. The Advisory Board for Youth Affairs, subordinate to the Ministry of Education, provides valuable expertise in the field.

224. Municipal youth work. Municipalities get State subsidies the amount of which depends on the size of the population. The Youth Work Act defines youth work as belonging to the duties of municipalities, and the municipalities may decide in what way they use the State subsidies reserved for that purpose. In 1997 the municipalities spent Fmk 800 million for youth work, of which State subsidies covered approximately 5 per cent. Municipal youth work is diverse. The location and size of the municipality affects the possibilities of carrying out youth work (there are in total 455 municipalities). In principle the municipality creates the prerequisites for the activities of associations, maintains premises for youth activities and arranges youth café activities and different hobbies. In the past few years many municipalities have paid special attention to the marginal groups of young persons.

225. National youth associations. State subsidies are distributed by the Ministry of Education to national youth associations, their regional branches and different youth service associations. The subsidies (some Fmk 40 million per year) reach 85 associations which, according to the associations themselves, have approximately 800,000 young members. The proposal concerning the granting of subsidies is prepared by a special committee set up by the Government. The committee has as one of its duties to develop the framework for State subsidies. The system has been developed so that the subsidies depend on the extent of the association's activities. Grants for local youth associations are distributed through municipalities.

226. In 1993 the national youth associations founded a National Youth Council (Suomen Nuorisoyhteistyö - Allianssi) in support of their activities. The National Youth Council has 89 national member associations. It provides relevant services, financed by the Ministry of Education and other bodies, such as information services for young persons and international activities.

227. Workshops and youth centres. Unemployment among young persons has been a problem in Finland due to the economic recession at the beginning of the 1990s. Workshops have been created in municipalities in order to attenuate unemployment and its effects. There are some 350 workshops of which 90 per cent are owned by municipalities. Each year more than 7,000 young persons are employed by workshops for six months at a time. The objective is to motivate and encourage young persons to get education and to enter into work, and to improve the possibilities for young persons to take control of their lives. The workshop activities have also been financially supported by the European Union.

228. The Ministry of Education supports nine national youth centres by virtue of the Youth Work Act. The idea of these centres is to provide youth services and different camp and travel services. The centres also develop methods for youth work and provide further and continuing education.

229. Promotion of children's culture. Promotion of children's culture in Finland is in the first place a responsibility of the Ministry of Education. The National Board of Education has an important role in the cultural activities of schools. At the local level the administrative responsibilities are vested in several private associations, organizations and other institutions the activities of which are often financially supported by the State or municipalities. The concept of children's culture has constantly been expanded. Whereas the concept earlier referred to arts and cultural activities provided for children, the present idea is that the children have a culture of their own and that their entire life situation is taken into account.

230. The Ministry of Education provides support for different forms of art. For example, most theatres for children and young people have been covered by State subsidies since the beginning of 1993, along with the entry into force of the Theatres and Orchestras Act. In addition, support is provided for films, certain literature and music as well as for municipal cultural activities and different regional art committees. In 1994 the subsidies reserved for certain types of literature (in total Fmk 2.1 million) included a separate allocation of Fmk 600,000 to be used for purchases of literature for children and youth.

231. Special funds for the promotion of children's culture have been reserved in the State budget since 1982. In 1987 a separate section devoted to children's culture was created within the Arts Council of Finland. This section makes proposals to the Arts Council for the distribution of the funds, on the basis of applications. In 1997 the funds reserved for the promotion of children's culture amounted to Fmk 950,000 which has been distributed as grants to artists and specialist training courses in the arts, as a State award for the promotion of children's culture and as special grants which are part of the national programme for the promotion of children's culture. Special grants have been distributed in two fields: in the promotion of interaction between artists and children and in the promotion of arts in children's institutions. On the one hand, such special grants have made it possible, for example, to arrange artists' tours and projects between artists and school children. On the other hand, it has been possible to provide stimulating arts experiences and creative activities for children and young persons who are in danger of becoming socially excluded. In 1998 the funds reserved for the promotion of children's culture was raised to Fmk 1.6 million.

232. Primary education in the arts. Children and young persons have different opportunities for getting arts education, supported by society, even beyond comprehensive school and upper secondary school. The idea is that all-round education and primary education in the arts together create a basis for schoolchildren who are talented and interested in the arts. Primary education in the arts supports objective-oriented hobbies and development of the pupil's personality, both as an individual and as a member of a group.

Primary education in the arts also aims at taking into account those special needs that pupils wishing to have a profession in the arts may have. As regards education given outside school, financial support from public funds is mostly given to music and dance and visual arts as well as to certain other forms of art.

233. Specific legislation concerning music schools has existed since the 1960s. Music schools provide basic education in music and other related forms of art such as dance, as well as pre-training for professional studies in the field. Music schools also arrange other activities promoting music culture. In 1996 there were some 54,000 pupils of comprehensive schools and upper secondary schools receiving education at music schools. There are many children under school age receiving music education - the number of these children has increased by 55 per cent and in 1996 there were already more than 17,000 children under school age receiving education at music schools. There are more children wishing to enter music schools than may be taken. Statutory financing was provided to 88 music schools in 1996 and 14 schools received discretionary support.

234. In addition to the music schools there is an extensive network of schools for visual arts and dance in Finland. In 1996 approximately 19,000 pupils received education in the visual arts, based on a national curriculum, nearly 17,000 in dance and more than 6,500 in other forms of art.

235. The Act on Primary Education in the Arts entered into force in 1992. Primary education in the arts may be provided by municipalities and private institutions (in 1996 the proportion of such education provided by municipalities was 70 per cent). There are different ways of organizing primary education in the arts in municipalities. The administrative framework consists mainly of school clubs, civic and workers' institutes, art schools, municipal day-care centres, municipal cultural and youth activities, the churches and non-governmental organizations.

236. In connection with the pending reform of school legislation, the Act on Primary Education in the Arts will also be amended by including provisions concerning music schools therein.

237. Special project on culture and creativity for the period 1995-1997. On the initiative of Parliament, the Ministry of Education launched a three-year project on culture and creativity (KEPPI) in 1994. The objective of the project was to increase respect for culture and creativity, and to support important practical projects relating to culture. The subjects treated included children's culture, support for young artists, audio-visual plans of libraries, multiculturalism, cultural heritage and cultural influence. During the three years, in total Fmk 24 million, i.e. Fmk 8 million per year, could be used for the project.

238. As regards practical projects relating to children's culture (approximately Fmk 4.5 million), cooperation between artists and children was emphasized. The objective was that the projects would have more permanent effects on arts education at schools, since at day-care centres and comprehensive schools all children have the possibility to participate. Apart from schools and artists there were art museums, orchestras and different

working groups participating in the KEPPI project. Children and young persons participated in the project by working together with professional artists. Arts education projects relating, for example, to multiculturalism and tolerance have also been supported.

239. Due to the extent of the KEPPI project, even the reporting procedure has been paid attention to. The year 1997 was also the eightieth anniversary of the independence of Finland, and Parliament required that a report be submitted of the KEPPI project on that occasion. An extensive report was indeed submitted in December, and all the subprojects and estimated short-term and long-term effects were described.

240. As part of the special project on culture and creativity and of the European Youth Campaign against Racism, Xenophobia, Anti-Semitism and Intolerance, the Ministry of Education has, in cooperation with the National Youth Council (Suomen Nuorisoyhteistyö - Allianssi ry), provided support to 182 (1995: 58, 1996: 86 and 1997: 38) local and regional projects the aim of which has been to increase tolerance and multiculturalism among young persons, and to increase cultural interaction between local young persons, immigrants and young persons belonging to ethnic minorities.

241. When financial support has been granted, priority has been given to projects which have emphasized the active role of young immigrants and local young persons, providing them new forms of cooperation and having long-term effects. Projects carried out include, for example, theatre shows, publications dealing with tolerance, seminars, video films dealing with racism, concerts and sports events. The amount of money used for the projects in 1997 was one third less than in the two previous years.

242. The Ministry of Education will also in the future place the emphasis on the search for new forms of cooperation for schools in the field of culture. Advantage will be taken of the possibilities provided at the local, regional, national, Scandinavian, European and international levels. The Ministry of Education is participating, inter alia, in a steering group for children's culture of the Nordic Council, and in the Culture, Creativity and the Young project initiated by the Council of Europe. The purpose is to create contacts and models of action, leading to practical projects of cooperation.

VIII. SPECIAL PROTECTION MEASURES

A. Children in situations of emergency

1. Refugee children (art. 22)

243. Foreign citizens residing in Finland. Approximately 2 per cent (81,000 persons) of the population of Finland are foreign citizens. Most of foreigners (73 per cent, according to statistics from 1994) are of working age, that is between 15 and 64 years old. Some 20 per cent of foreigners are children. In this respect there are great differences between nationalities. The proportion of children is biggest in those nationality groups that have arrived to Finland as refugees, mainly from the former Yugoslavia and Somalia. Of the 870 asylum seekers who arrived in Finland from 1990 to 1997, less than 10 per cent were unaccompanied minors.

244. Most of the children arrived from Somalia. Approximately half the minors are 14 to 17 years old. According to an estimation made in 1997, Finland has received some 14,800 refugees. Refugees have arrived as quota refugees (the yearly quota since 1989 is 500 refugees), as asylum seekers or through family reunification. There are also some 20,000 returnees from the former Soviet Union, and some 2,000 foreign citizens marry a Finn each year. Immigrants have mainly settled in big cities. Half of the foreigners live in the southernmost part of Finland, and most of them in the capital district.

245. Government Programme on Immigration and Refugee Policy. The Government adopted on 16 October 1997 an extensive Programme on Immigration and Refugee Policy on the proposal of a commission. The Programme, which is the first of its kind adopted in Finland, will be implemented in stages in accordance with the economic resources.

246. The objective of the Finnish immigration policy is to integrate immigrants (immigrants, returnees and refugees) into society and work in a flexible and efficient manner. Integration means that immigrants participate in the economic, political and social life of society. The Government shall promote the integration of immigrants by ensuring the implementation of fundamental rights enshrined in the Constitution Act of Finland and equal membership of society, encouraging immigrants to actively take responsibility for their new life situation. The integration of immigrants shall be implemented in the form of a three-level policy: national integration policy, municipal programme for immigration policy and integration plan, and integration plans for individuals and families.

247. Planned reforms. A Government Bill for an Act on the integration of immigrants and reception of refugees was introduced in Parliament in May 1998. It is proposed in the Government Bill that a system of representatives for unaccompanied minors be created. A representative would be ordered for each unaccompanied child who is applying for asylum, to ensure the legal rights of the child. The legal representative would have custodial rights in matters concerning the person and property of the child. The representative would, however, not take care of the necessary care and upbringing of the child. The representatives to be trained for the duty will probably be found with the help of non-governmental organizations. A project financed by the Commission of the European Communities has been initiated in order to develop the system of representatives.

248. The custody of a child who has been granted a residence permit will be ensured in the same way as the custody of a Finnish child, by naming a custodian, a person exercising custody instead of or together with the principal custodian, or a trustee for the child.

249. The number and qualifications of personnel in reception units for children will be determined in a decree, so that they will correspond to the provisions of the Child Welfare Decree concerning institutional care. In practice, reception units for children have already been changed by reducing the number of children, by forming smaller groups within the reception units, by naming a support person for each child and by paying attention to the training of personnel. A combined reception unit for children and families

has been established in connection with a reception centre, which makes it possible to avoid the transfer of children from one place to another. The combined unit is also small, has adequate resources and works flexibly.

250. Reception and placement of refugees and asylum seekers. The Government has the responsibility for ensuring that the basic needs of asylum seekers arriving in Finland are satisfied. Asylum seekers are accommodated in reception centres. There are in total 11 reception centres which are located all over the country. Families with children are placed, as far as possible, in centres, the premises, environment and services of which correspond to the needs of the children. The reception centre takes care of the subsistence of the asylum seeker and arranges social welfare and health-care services and other basic services, when necessary. The Government finances three of the reception centres whereas the municipalities finance six of them and the Finnish Red Cross takes care of two reception centres.

251. Unaccompanied minors are placed in special units for children in connection with reception centres. At present there are three reception units for children, having in total 64 places. The reception unit is responsible for the care and upbringing of the child, ensures that the child gets education corresponding to his or her age and talents, initiates a search for the parents and arranges contacts between the child and the parents. Also, the possibilities for preserving the language, culture and religion of the child are explored. A person representing the ethnic group of the majority of children shall be employed by the reception centre. As regards other children, the objective is that they will have at least lessons in their home language and, as far as possible, contacts with persons speaking the same language. Contacts with relatives who might live in the country of origin shall be ensured.

252. Some of the children are placed in the homes of relatives. Before the placement the reception centre, together with the social welfare authorities of the municipality in question, examines the possibilities for the family to look after the child. The city of Helsinki has a project under which a model shall be elaborated for cooperation between the different authorities in municipalities, for methods to be used and for the examination of the possibilities for families to have unaccompanied children in their homes.

253. Minors who have been granted a residence permit are transferred from the reception units for children to reception units for families, maintained by municipalities. These are home-like units, where the number of children and personnel as well as the qualifications of personnel correspond to the requirements set by the Child Welfare Decree. The personnel are responsible for the care and upbringing of the child, guidance for integration into Finnish society, and guidance for school and planning of studies and profession. In the reception units for families some of the employees belong to the same ethnic group as the children. The Government reimburses the costs of living in these reception units until the age of 18. Apart from the reception units for families, young persons may also live in an apartment under supervision by the reception unit. At present there are 11 places in supported apartments and 39 places in reception units for families. As regards children who live with their relatives, most of them remain with the

same families after they have received a residence permit. The resources and willingness of the family to look after the child shall be re-examined after the residence permit has been granted.

254. When a young person has attained the age of 18, he or she has the possibility to get an apartment, arranged by the municipality. The Finnish slot machine association (RAY) provides support for an experiment in community living. Each community consists of two to four young refugees and a responsible adult who is of the same ethnic origin as the young persons. The young person may live in the community until the age of 21.

255. Several organizations have launched projects which aim at promoting by different means the integration of immigrant families and unaccompanied minors. These means include holiday camps, support families, hobbies, clubs and workshops.

256. Education. An immigrant who is of school age is entitled to the same cost-free comprehensive school education as Finnish children. The Finnish education policy in respect of immigrants is based on the idea that immigrant children, including refugees, are ensured an equal status as users of education services. The reform of school legislation under consideration in Parliament includes a proposal according to which school would be compulsory for all children residing permanently in Finland, irrespective of their nationality.

257. Special services are provided for immigrant children in order to facilitate integration into society. The principle is that the preservation of the immigrant's own language and culture shall be supported. According to an amendment (1336/1994) to the Day Care Decree, the objectives of children's day care include the supporting of the language and culture of immigrant children, in cooperation with a person representing the culture in question.

258. It is possible to arrange preparatory education at comprehensive schools in a separate group for all immigrant children. Immigrant pupils may also get remedial education at comprehensive schools, upper secondary schools and adult upper secondary schools, ensured by separate funds for that purpose. They can also study Finnish or Swedish as a second language. Children and young persons speaking a foreign language may have their own language taught as their mother tongue. In other cases their own language may be taught two hours a week with specific resources reserved for that purpose. As regards professional education, remedial education and teaching in the native language and in Finnish may be provided for immigrants, when necessary.

259. A child who is of school age starts school at the level corresponding to his or her age and maturity. Municipalities arrange education either in separate groups or integrate children in the normal classes. The preparatory education is arranged in a separate group for refugees, if there are at least four children participating in it. The child has the possibility to receive education in his or her native language and remedial education. Children applying for asylum start school while they are waiting for the decision.

260. According to the law, applicants for upper secondary schools and professional colleges who are immigrants shall have the same status as Finnish

applicants and shall not be discriminated against on account of origin, sex, age, religion, place of residence, conviction or other comparable grounds.

261. Assistance needed by young persons who have attained the full legal age. Unaccompanied minors who are applying for asylum are considered children needing assistance under the Child Welfare Act when certain conditions prescribed by the Act are met. Children who are subject to child welfare measures are given after-care until the age of 21. Unaccompanied minors need more support than others, for example in the Finnish language, studies and preparing themselves for a profession. In respect of these children, however, the costs of assistance are a problem for the municipalities. The Government reimburses the costs incurred by the reception of children until the age of 18, but not the costs of after-care. Therefore, it is possible that it is more difficult for the young person in question to get after-care.

262. Prevention of racism and promotion of tolerance. In accordance with the resolutions adopted by the Government (see VII.B.), the Ministry of Labour shall ensure that prevention of racism and promotion of tolerance are a relevant overall principle in the coordination of the reception of refugees and other immigrants and in the measures enhancing integration. The Ministry of Labour shall at regular intervals examine the attitudes of Finnish people towards immigrants and shall create a system for the monitoring of racial discrimination and violence, in cooperation with other competent ministries.

2. Children in armed conflicts (art. 38), and the promotion of recovery and integration

263. Finland is in favour of the drafting of an optional protocol to the Convention on the Rights of the Child, concerning children in armed conflicts. The most relevant provision of the protocol aims at prohibiting the participation of children under 18 years in hostilities.

264. Of the financial contributions given to UNICEF in 1997 (Fmk 69 million), Fmk 5 million were meant for helping children in armed conflicts and in other particularly severe conditions.

265. In Finland a minor under 17 years of age may apply to join the voluntary military service. In such a case the suitability of the applicant is decided on the basis of a medical control and psychological test. Consent by the custodians is required for the military service of a minor. Military service at the age of 17 or 18 may be justified if it is the best alternative for the person in question because of studies, unemployment or other life situation. Approximately 330 conscripts under 18 years of age enter military service each year, and some 50 are discharged from service before the age of 18.

B. Children and criminal law

1. Criminal liability

266. The minimum age for criminal liability is 15, and no child younger than 15 may be arrested or imprisoned. A child who has reached the age of 15 may be arrested and imprisoned on the grounds provided by the law. However, no person may be arrested or imprisoned if this is unreasonable for such

reasons as the suspect's age. If an offence was committed by a person between 15 and 20 years of age, he or she is regarded as a young offender to whom a number of special provisions apply.

267. The provisions concerning pre-trial investigation, judicial proceedings and the conciliation procedure applicable to offences committed by minors as well as legal consequences were described in the first periodic report (paras. 524-543).

268. There are only a small number of persons under 18 years of age imprisoned or in pre-trial detention. On 1 January 1998 there were eight minors in prison (less than 1 per cent of all prisoners), all of whom were in pre-trial detention. There are 50 to 80 persons under 18 years of age sent to prison each year, most of them for pre-trial detention. In 1997 there were 4 prisoners under 18 years of age serving a sentence, and 48 persons were in pre-trial detention.

269. The small number of prisoners under 18 years of age is partly due to the fact that since the entry into force of the amendment to the Conditional Sentence Act on 1 January 1990, it has not been possible to pronounce an unconditional sentence for an offence committed by a person under 18 years of age unless this is necessary on weighty grounds. Under the Coercive Means Act concerning imprisonment, no one shall be imprisoned if it would be unreasonable for such reasons as the circumstances of the case, the suspect's or convict's age or other personal conditions. The range of alternative legal consequences applicable to young offenders is also wider than those applicable to older prisoners.

2. Deprivation of liberty, arrest, imprisonment and involuntary treatment (art. 37 (b)-(d))

270. In Finland a child or young person may be subject to deprivation of liberty on the following grounds provided by law:

(a) When a person who has attained the age of 15 is arrested, imprisoned or given a custodial sentence or found guilty of a criminal act;

(b) When a minor is subject to child welfare measures against his or her own will or against the parents' will;

(c) When a minor is taken into care against his or her own will or against the parents' will; or

(d) When a minor who has attained the age of 17 is performing his military service, and a disciplinary punishment is imposed on him confining him to barracks.

271. Deprivation of liberty on penal grounds. According to the Enforcement of Sentences Act prisoners are entitled to fair treatment and respect for their human dignity. When a sentence imposed on a young offender is enforced, special attention shall be paid to the special needs caused by the age and maturity of the prisoner. When prisoners are placed in a prison, among other things the age of the prisoner shall be taken into account.

272. The requirement of keeping young offenders separate from older prisoners has been taken into account in the placement of convicts under 18 years of age in different prisons. According to instructions (No. 2/011/96) issued by the Prison Administration Department of the Ministry of Justice on 22 March 1996, concerning the placement of prisoners, there are six prisons where a prisoner under 18 years of age may be placed (one central prison, one juvenile prison and four provincial prisons). A minor who is in pre-trial detention shall be placed in the nearest provincial prison. The law provides that a young offender may only be transferred to a general prison where he or she could not be kept separate from older prisoners if this is in the best interests of the young offender in question. The Prison Administration Department has also issued instructions (No. 5/011/94) on 24 February 1994, concerning the treatment of prisoners under 18 years. According to these instructions prisoners under 18 years of age shall be kept separate from older prisoners, in their own rooms or in a room shared with another prisoner under 18 years of age. Exceptions can be made where it is in the best interests of the child. The objective is that young offenders are kept separate from older prisoners in prisons. They mainly live alone in their own cells.

273. The best interests and special needs of minors are taken into account in the instructions (5/011/94) by providing that a support person be named for prisoners under 18 years of age, to arrange activities and take care of the conditions of prisoners. The instructions also deal with participation in different activities and contacts to close relatives. Special attention has been paid to the education of prisoners under 18 years of age.

274. An Advisory Board for Prison Administration works in connection with the Ministry of Justice, providing opinions and making initiatives on important matters relating to prison administration. In 1991 the Advisory Board for Prison Administration carried out a study on the status of young offenders in prisons. The purpose of the study was to find out in what ways the obligations enshrined in the Convention on the Rights of the Child can be implemented in respect of prison administration. The opinions and initiatives presented in the report of the Advisory Board have to a great extent been taken into account.

275. The relevant legislation and the above-mentioned instructions issued by the Prison Administration Department have aimed at ensuring the implementation of the Convention on the Rights of the Child to the fullest possible degree.

3. Prohibition of capital punishment and life imprisonment (art. 37 (a))

276. Capital punishment was entirely abolished in Finland in 1972 (see IV.H.). Life imprisonment may not be imposed for an offence committed by a person under 18 years.

4. Physical and psychological recovery and social reintegration (art. 39)

277. The cases falling within the scope of this article in Finland are mainly caused by neglect or abuse at home. The Finnish Child Welfare Act contains provisions on after-care that the social welfare authorities are responsible

for arranging after the termination of the substitute care of a child or young person. After-care aims at providing support for the child or young person who has been in substitute care and for his or her parents. The duty to arrange after-care terminates when the young person attains the age of 21.

C. Children in situations of exploitation, including physical and psychological recovery and social reintegration

1. Economic exploitation, including child labour (art. 32)

278. It can be noted in general that there is no exploitation of children within the meaning of article 32 of the Convention in Finland.

279. In its concluding observations, the Committee on the Rights of the Child was concerned that the Finnish "labour legislation does not appropriately protect children between the ages of 15 and 18 years" (A/51/41, para. 1024), and referred to "the relevant international standards, especially ILO Convention No. 138 and ILO Recommendation No. 146" (ibid., para. 1034).

280. Finland has ratified the Convention (No. 138) concerning Minimum Age for Admission to Employment, adopted by the ILO on 26 June 1973. The Convention was brought into force in Finland by a Decree issued on 13 January 1976 (1060/1976; SopS 87/1976). Thus, Finland is committed to comply with the provisions of the Convention.

281. The preparatory work of the Young Employees Act (998/1993) paid attention to the provisions of the Convention concerning the minimum ages for admission to employment and the minimum ages for hazardous and light work. Also, the provisions on the employer's duty to provide health-care services and a list of employees who are under 18 years old are taken into account. In conformity with the provisions of the Convention, the Act defines light work suitable for persons under 14 years of age as work which is not likely to be harmful to their health or development and does not prejudice their attendance at school. The definition of light work was made more precise, as required by the ILO, in a separate decision of the Ministry of Labour providing examples of light work suitable for young persons. Hazardous work was defined in the Protection of Young Employees Decree (506/1986) issued in connection with the Act, and in the Decision of the Ministry of Labour concerning work which is hazardous for young persons (1432/1993).

282. Apart from the ILO Convention, the provisions of the European Social Charter and the Additional Protocol to the Charter signed by Finland in 1990 have been taken into account in the national legislation concerning young employees. The European Social Charter entered into force for Finland in 1991 and the Additional Protocol in 1992. Finland made a reservation to article 7, subparagraph 6 (vocational training during the normal working hours) and subparagraph 9 (regular medical control for persons under 18 years of age), because the national laws or regulations did not contain corresponding provisions.

283. In Finland the maximum working time for persons subject to compulsory schooling is two hours a day and 12 hours a week. This provision corresponds

to Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work. According to the Young Employees Act (998/1993) medical control is carried out at the expense of the employer before the beginning of the employment relationship or within one month from the beginning. The purpose of the medical control is to find out whether the person examined is suitable for the work in question. There are separate provisions on medical controls relating to such work where there is a special risk of falling ill. Thus, the existing Act contains provisions which partly correspond to the above-mentioned provisions of the Convention, and is in conformity with Resolution No. 72(4) of the Council of Europe on the protection of young persons at work and with instructions concerning supervision practice. When the Ministry of Labour and the Ministry for Social Affairs and Health examine the need for amending the legislation concerning young employees, they will nevertheless provide an opinion on whether the national legislation should be amended so that it corresponds to article 7, subparagraphs 6 and 9, of the European Social Charter.

294. The Committee on the Rights of the Child has inquired what measures referred to in article 32 of the Convention have been taken in Finland to ensure the implementation of article 32, and whether Finnish legislation contains a definition of work which is considered to be harmful to the health or development of children or to prejudice their attendance at school.

285. The Young Employees Act (998/1993) has been adjusted after its entry into force, in conformity with Council Directive 94/33/EC on the protection of young people at work. The Finnish legislation contained some derogations from the provisions of the Directive as regards working time on school days, timing of working hours and the daily and weekly rest period. The relevant provisions were amended so as to better correspond to the provisions of the Directive. No amendments were made to the Seamen's Hours of Work Act (296/1976) nor to the Act (248/1982) concerning working hours on board ships used for domestic service, because the Directive allows for derogations from the application of provisions concerning night work and rest periods.

286. Working time and employment. Temporary employment of 14-year-old or younger children for the purposes of performance in cultural or similar activities is possible subject to prior authorization by the labour protection authorities, if the activities meet with the definition of light work. Derogation from the regular working hours prescribed by law, as regards a 14-year-old employee, is only possible with a prior authorization in exceptional cases - an authorization may be given if it can be justified by the need for the professional development of the young person or by other important circumstances.

287. The daily working time on school days for an employee subject to compulsory schooling was reduced from three hours to two hours. The maximum working time on free days is seven hours. The finishing hour of two-shift work done in connection with professional education was made earlier by an hour for 15-year-olds, meaning that the work shall finish at 24.00. The provisions concerning employment of 15-year-olds have been amended so that the work ends two hours earlier than before, namely at 20.00. The working hours of a young employee giving a right to a rest period were made shorter

by 30 minutes (the working time entitling the worker to a rest period is now 4 hours 30 minutes). At the same time the rest period was made shorter by 30 minutes (the rest period is now 30 minutes long).

288. Prohibited work. Provisions on prohibited work are included in the Protection of Young Employees Decree (508/1986). For the purposes of the Decree, work prohibited for persons between 15 and 18 years of age means such work that is harmful for the physical or mental development of the young employee or requires greater efforts or responsibilities than is reasonable considering his or her age and strength. The Decree also defines prohibited tasks.

289. Hazardous work. For the purposes of the Protection of Young Employees Decree (508/1986), hazardous work means work that contains a danger of accident or health hazards. Such work may not be done by persons under 16 years of age. On an authorization by the labour protection authorities, a 16-year-old person may do hazardous work, if the safety at work of the young person has been ensured by adequate protection measures and adequate guidance at work has been arranged. On the same conditions, work considered hazardous may also be carried out as part of work practice and experimentation at comprehensive schools. A list of hazardous work allowed for young employees is given in the Decision of the Ministry of Labour. The Decision also contains a provision on physical over-stress of young employees.

290. Supervision and sanctions. The labour protection authorities supervise the appropriate implementation of the protection of young employees, through prior notifications made by employers and by making inspections to companies. Violations of provisions on safety at work contained in labour legislation are defined as labour safety offences, for which a fine or prison sentence may be imposed.

291. Participation in international action against child labour. Finland has, together with the other Nordic countries, been promoting the elimination of child labour within the International Labour Organization. In the opinion of the Government of Finland, from the global perspective child labour is in conflict both with international human rights and the relevant principles concerning working conditions. The prevention of child labour all over the world is the key element for the credibility of the international regulation of working conditions.

292. A new convention is under preparation and will be on the agenda of the International Labour Conference in 1998 and 1999. The new convention will complement Convention No. 138 and will emphasize the immediate suppression of all extreme forms of child labour. Finland participates actively in the preparation of the new convention, and pays attention especially to the effective implementation of prohibitions and to the supervision of compliance with the provisions. Finland has also stated that the implementation and supervision of the existing provisions prohibiting child labour, the sale and trafficking of children, prostitution and child pornography should be made more efficient. On a proposal by the Ministry of Labour, the Ministry for

Foreign Affairs decided in 1997 to provide a financial contribution of Fmk 5 million to the International Programme on the Elimination of Child Labour. The Ministry of Labour will also in the future participate in activities enhancing the consideration of child labour issues in Finnish development cooperation.

293. Since 1 January 1998 it has been possible, within the Generalized System of Preferences of the European Union, to provide additional preferences for a State that complies with certain conventions of the ILO, including Convention No. 138. The Commission of the European Communities is at present drafting criteria for applying this provision. The Community regulations on preferences contain an article prohibiting forced or compulsory labour, which can be considered to apply to child labour as well. Child labour has occasionally been discussed within a working group dealing with the Generalized System of Preferences, and it has been noted that, as regards child labour, a longer adaptation period is needed, meaning that sanctions should not be implemented. Finland is in favour of the idea of additional preferences because it provides a positive way to encourage trade partners to comply with the ILO conventions.

294. Finnish non-governmental organizations participated in the Global March Against Child Labour by undertaking a survey in the spring of 1998 among importers and traders, in order to find out their attitudes towards child labour. The survey and the impressive publication containing its results aimed at increasing information to consumers on the unethical use of child labour.

2. Drug abuse (art. 33)

295. In Finland, the use of alcohol and smoking, rather than the abuse of drugs, are much more serious hazards to the health and welfare of young people. The use of alcohol in order to become intoxicated has clearly increased since the mid-1990s. The strongest increase can be seen in the use of alcohol by 14-year-old girls. Also, the supply of drugs, and thereby experiments with drugs, have clearly increased since the mid-1990s. Compared with other countries, the situation can still be considered fairly good. The following table provides statistics

Alcohol consumed at least once a week

	1993	1995	1997
14-year-old girls	6%	7%	9%
14-year-old boys	7%	6%	8%
16-year-old girls	12%	15%	17%
16-year-old boys	18%	22%	21%
18-year-old girls	25%	26%	29%
18-year-old boys	37%	39%	40%

Intoxication at least once a month (1997)

	Girls	Boys
12-year-old persons	1%	0%
14-year-old persons	16%	10%
16-year-old persons	24%	28%

Drugs offered during last year (1997)

	Girls	Boys
12-year-old persons	1%	1%
14-year-old persons	7%	6%
16-year-old persons	16%	16%

Experimenting with hash and marijuana at least once (1997)

	Girls	Boys
15-year-old persons	5%	6%
16-year-old persons	9%	11%

296. The protection of children and young persons against alcohol has been given a lot of attention in Finnish legislation. The sale or providing of alcohol to persons under 18 years of age is prohibited. The possession of alcohol by persons under 18 years of age is also prohibited. Special attention is paid to the protection of young persons when the marketing of alcohol is regulated.

297. A problem for the protection of young persons has been that in Finnish legislation alcohol is defined as a drink containing more than 2.8 per cent, by volume, of ethyl alcohol. Thus, young persons have been able to freely buy drinks containing less alcohol, which is why the sale of such drinks to minors was prohibited by an amendment to the legislation which entered into force on 1 June 1997. At the same time the possession of such drinks by minors was prohibited.

298. A wide-ranging training programme concerning the prevention of the use of intoxicants by young persons was implemented in 1993-1996 by the Ministry of Social Affairs and Health. The objective of the programme was to increase the capacity of persons working with children and young persons to prevent the use of intoxicants and to improve cooperation between authorities and organizations, as well as to encourage public debate on the use of intoxicants by young persons. The prevention of the use of intoxicants by children and young persons has become a relevant part of the activities of social welfare and health-care authorities and in youth work.

299. The role of education related to alcohol and drugs has been increased in the continuing education of teachers, by developing cooperation between different quarters. There have been seminars which have been attended not only by teachers and school welfare officers, but also by the police, voluntary organizations and parents, and certain events even by pupils.

300. The National Board of Education has produced teaching material for health education which has been widely distributed to schools. Material in the Swedish language has been produced for persons between 16 and 19 years of age, and education has also been arranged, in cooperation with other Nordic countries.

301. Several municipalities are developing network cooperation which aims at creating a school-based model for reducing the demand for drugs and supporting young persons with problems. In addition, multi-disciplinary skills are developed so that problems can be identified and treated early.

302. A publication (Spektri) by the National Board of Education contains each year an information package on drugs. The National Board of Education has produced articles for various publications concerning the prevention of drug use.

303. In the work of different interest groups coordination and consulting, as well as help provided by experts, have been significant. Cooperation has taken place between school welfare groups and organizations and voluntary groups. The Ministry of Social Affairs and Health has provided financing for a project guide, to be elaborated in cooperation with schools and local authorities, for the implementation of programmes related to intoxicants.

304. Electronic networks such as the Internet home pages and mailing lists are used for the distribution of interactive education material related to intoxicants.

305. Smoking. In the past few years smoking by young girls has increased to some extent. In 1997 17 per cent of 14-year-old girls and 13 per cent of boys smoked each day. The corresponding figures for 16-year-old girls and boys were 27 per cent and 26 per cent, respectively. Thirty-three per cent of boys over 18 years of age and 28 per cent of girls smoked each day.

306. A recommendation for promoting the health of young persons and for preventing smoking has been elaborated in cooperation between different authorities and non-governmental organizations. The purpose of the recommendation is to change the living environment of young persons so that it supports healthy development and improves interaction between adults and young persons in the family, at school and during free time. For the coordination of the implementation of the recommendation, the Ministry of Social Affairs and Health has set up a network of contact persons that shall also be responsible for evaluating the implementation of the suggested measures and for arranging a follow-up meeting in the year 2000.

307. The amendment to the Act concerning measures to reduce smoking (693/1976) entered into force on 1 March 1995, prohibiting the sale of tobacco products to persons under 18 years of age. Efforts have been made to supervise compliance with the prohibition and salespersons have been encouraged and guided to ensure that the Act is complied with. The prohibition is not, however, complied with as well as it could be.

3. Sexual exploitation and sexual abuse of children (art. 34)

308. The Committee on the Rights of the Child was concerned that "appropriate, in particular legislative, measures [had] not yet been taken to forbid the possession of child pornography and the purchasing of sexual services from child prostitutes". The Committee recommended that such measures be taken (A/51/41, paras. 1023 and 1033).

309. Parliament has under consideration a Government Bill (HE 117/1997 vp) for an Act amending chapter 1, section 11, of the Penal Code. It is suggested that the Penal Code be amended so that a Finnish citizen or a foreign citizen residing permanently in Finland could be convicted of an offence of sexual abuse of children committed abroad, even when the said offence was not punishable under the lex loci delicti. The Government Bill aims at harmonizing the Finnish legislation with the joint action adopted by the Council of the European Union on 24 February 1997, concerning the prevention of sale and trafficking and sexual abuse of children. The objective is for the Act to enter into force simultaneously with the amendments proposed in the Government Bill (HE 6/1997 vp), concerning penal provisions on sexual offences.

310. Commercial sex has become more apparent in Finland in the 1990s. Ways to prevent this phenomenon, which is considered extremely negative in Finnish society, have actively been looked for. For example, the Social Affairs and Health Committee of Parliament has heard experts and arranged seminars in order to examine the matter. Several working groups and committees of different authorities have dealt with the matter and made proposals for measures concerning various administrative fields, including questions concerning children and young persons.

311. A new form of commercial services in the past few years has been the various telephone services. These services have been questioned, because it has been suspected that children may use the telephone services meant for adults and get material which is inappropriate and insulting for children. A committee set up by the Ministry of Justice has suggested that the use of telephone services providing sexual entertainment as well as conversation lines should be made subject to an agreement between the holder of the telephone subscription and the telephone company. The Ministry of Transport and Communications has, together with the authorities of other member States of the European Union, undertaken to develop working methods for making it possible to benefit from commercial telephone services while suppressing the detrimental effects of such services.

312. The committee of the Ministry of Justice has made a proposal concerning sex tourism, for the prevention of sexual abuse of children. In accordance with the proposal information material has been elaborated, in cooperation between the Ministry of Social Affairs and Health and the Ministry of Transport and Communications.

313. In a report of an expert group set up by the National Research and Development Centre for Welfare and Health (STAKES), measures were suggested in order to prevent children and young persons from being affected by prostitution.

314. At the beginning of 1998 the Ministry of Social Affairs and Health initiated a plan for the prevention of prostitution, as part of a wider project for the prevention of violence towards women and of prostitution. One aim of the project is to enhance a model of equal sexuality especially among young persons.

315. In 1992 STAKES set up an expert group to examine sexual exploitation. In 1994 the expert group revised a guide for the prevention and treatment of the sexual exploitation of children (Lapsen seksuaalisen riiston ehkäisy ja hoito). Several seminars and meetings have been arranged all over the country for social welfare and health-care professionals.

316. The Mannerheim League for Child Welfare has had a campaign against sex tourism exploiting children, and published material relating thereto. The National Board of Education, in cooperation with the League, has distributed material concerning sexual abuse of children to schoolteachers. In February 1998 the Finnish United Nations Association, STAKES and the Mannerheim League for Child Welfare arranged a seminar concerning the prevention of sale and trafficking and sexual abuse of children.

317. A new study concerning social welfare and health-care authorities has been planned for 1998, in order to examine the extent of sexual abuse of children. According to an action plan adopted at the Stockholm Congress in 1996, the Ministry of Social Affairs and Health set up a working group in 1998 to prepare a national programme for measures to prevent sexual exploitation of children for commercial purposes.

318. International cooperation. Funds reserved for development cooperation have been used to provide support for the projects of non-governmental organizations concerning children (e.g. homeless children). Some 60 projects were supported with Fmk 15 million in 1997. As regards international non-governmental organizations dealing with humanitarian aid, ECPAT (End Child Prostitution in Asian Tourism) and DCI (Defence for Children International) have been supported, among others. In 1998 Finland will provide financial support to an international meeting to be held in St. Petersburg dealing with problems of homeless children.

319. Finland is in favour of the drafting of an optional protocol to the Convention on the Rights of the Child, concerning the prevention of sale and trafficking of children and child pornography, as soon as possible.

4. Sale of and traffic in children and abduction of children (art. 35)

320. Cases of child abduction in Finland mainly relate to disputes between the parents concerning the custody and place of residence and the right of access of the child, in connection with a divorce (see V.E.). It is extremely unusual that a child is subject to abduction or deprivation of liberty in Finland for the purpose of deriving economic benefits. The provisions on offences of deprivation of liberty in the Penal Code were amended in 1995. Sentences are now provided even for the deprivation of liberty by negligence, which means that less aggravated offences attacking personal freedom are punishable.

321. Adoption against payment to the biological parents of the child is prohibited in Finland. In 1997 Finland acceded to the Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption, done at The Hague on 29 May 1995.

D. Children belonging to a minority or indigenous group (art. 30)

322. There are three significant minority groups in Finland - the Swedish-speaking minority, the Sami and the Romanies - the largest of which is linguistic: the Swedish-speakers. The largest of other historical minorities are the Jews (some 1,200), the Tatars (some 1,000) and the Old Russians. It is not possible to get exact information on the ethnic origin of the population because the law does not allow the registering of population by ethnic origin. There are also some 5,000 deaf people in Finland who use sign language. The status of the deaf as a minority group was confirmed in connection with the reform of the constitutional provisions on fundamental rights, and their rights shall be guaranteed by Act of Parliament.

323. There are approximately 81,000 foreign citizens living in Finland, which is about 2 per cent of the population. The number of returnees from the former Soviet Union is approximately 20,000. Finland has received approximately 14,800 persons as refugees.

324. The rights of the Swedish-speaking minority have the strongest status, owing to the history of the country. According to the Finnish Constitution Act, Swedish is the second national language of Finland. The rights of other minorities are also protected by the Constitution Act (as amended by the Act 969/1995), according to which "the Sami as an indigenous people as well as the Romanies and other groups shall have the right to maintain and develop their own languages and cultures. Provisions governing the right of the Sami to use the Sami language before the public authorities shall be prescribed by Act of Parliament."

325. The Comprehensive Schools Act and the Upper Secondary Schools Act were amended in 1994 so that it became possible to teach the Sami language, the Romani language or a foreign language as the mother tongue of pupils, in which case the pupils have Finnish or Swedish as the second language. In the same year a provision was added to the Day Care Decree, according to which the Day Care Act has as one of its educational objectives the supporting of the language and culture of Finnish and Swedish-speaking children, Sami and Romani children and children belonging to different immigrant groups, in cooperation with persons belonging to those cultures.

326. The Framework Convention for the Protection of National Minorities of the Council of Europe entered into force for Finland on 1 February 1998, and the European Charter for Regional or Minority Languages on 1 March 1998. Finland specified in its instrument of ratification which alternative paragraphs it chose to apply to the Sami language, which is a regional minority language in Finland, and to the Swedish language, which is a less widely used official language in Finland. In addition, Finland undertook to apply, mutatis mutandis, the principles listed in paragraphs 1 to 4 of article 7 of the Charter to the Romani language and to other non-territorial languages. When the Framework Convention was brought into force for Finland,

it could be considered that it applies at least to the Sami, the Romanies, the Jews, the Tatars and to the Old Russians and, de facto, to the Swedish-speaking minority. The idea was not, however, to exclude other possible minorities from the scope of application of the Convention. The bringing into force of the Framework Convention did not require any amendments to the Finnish legislation, because the rights and freedoms enshrined in the principles of the Convention had already been implemented by other legislative means. It was considered, however, that the accession to the Framework Convention made it possible to strengthen the rights and freedoms of persons belonging to minorities, and to provide a framework for further development of those rights and freedoms.

327. The Swedish-speaking people. There are approximately 300,000 Swedish-speaking people in Finland, which is some 6 per cent of the population. The status of the Swedish-speaking minority, as presented in the first periodic report (paras. 608-619), has not significantly changed. The number of pupils at Swedish-speaking comprehensive schools decreased to some extent in five years - the number was 30,300 in 1995. At present there are 310 Swedish-speaking comprehensive schools. In 1991 there were 32,700 pupils at 350 schools. The number of pupils at Swedish-speaking upper secondary schools has nevertheless increased. In 1995 there were a little less than 6,000 pupils.

328. The Romanies. The estimated number of Romanies in Finland is at least 10,000. The traditional Romani population has lived in Finland for hundreds of years, and they are Finnish citizens. Part of the Romanies speak the Romani language only a little. In the past few years a few hundred Romanies have arrived in Finland mainly as refugees, for example from the former Yugoslavia and Romania, but they have not acted as a minority group or brought up their ethnic origin. There is no register of the Romani population because Finnish law does not allow the registering of population by ethnic origin. The Romani people have themselves wished not to be listed or registered.

329. There are Romanies living in all provinces, but most of them live in the densely populated areas of southern Finland. For historical reasons most Romanies have problems of social exclusion: housing problems, low educational levels, unemployment and social problems. Families do not often have the social or educational resources to deal with the present requirements of child-raising. The Advisory Board for Romani Affairs has suggested that the responsibility for the upbringing of children of Romani homes should be specially supported by the State and municipalities. Romani organizations have paid attention to the increased use of intoxicants and drugs by young Romanies.

330. Affairs of the Romani population are taken care of by the same government, regional and local authorities as those of the rest of the population. However, cooperation and special issues are dealt with by special bodies: the Advisory Board for Romani Affairs, the unit for the education of the Romani people (made part of the National Board of Education on 1 February 1994) and the Romani Language Board (established in 1997 within the Research Institute for the Languages of Finland). An experiment is under way

in the Province of Oulu, in the Province of Central Finland and in the Province of Eastern Finland where regional advisory boards for Romani affairs have been established. The Advisory Board for Romani Affairs of the Province of Southern Finland began to operate on 1 February 1998. A working group on the Church and the Romanies has operated since 1995 within the framework of the social work of the Church. The Free Church of Finland has had a Romani working group since 1997.

331. The Sami people. The Sami people, living in the northern parts of Norway, Sweden and Finland and in the inner parts of the Kola Peninsula, are an indigenous people with their own language, culture, lifestyle and identity. The history of the Sami people in those areas can be traced back to the times before the emergence of the existing States. The estimated size of the Sami population varies between 40,000 and 70,000 persons. In Finland there are some 7,000 Samis.

332. The existing system of administration of Sami affairs began with the establishment of the Advisory Board for Sami Affairs in 1960 with the responsibility to prepare Sami issues within the framework of cooperation between the Nordic countries and to monitor the development of legal, economic and social conditions of the Sami. From 1973 to 1995 the administration of Sami affairs rested with the Sami Parliament, the members of which were elected from among the Sami. In 1996 the Sami Parliament was replaced by the Sami Thing which operates within the field of administration of the Ministry of Justice.

333. The status of the Sami as an indigenous people is protected by the Constitution Act. According to the Constitution Act, as amended in 1995 (969/1995), "the Sami as an indigenous people shall have the right to maintain and develop their own language and culture. Provisions governing the right of the Sami to use the Sami language before the public authorities shall be prescribed by Act of Parliament" (which is the Sami Language Act 516/1991).

334. Three different Sami languages - Northern Sami, Inari Sami and Skolt Sami - are spoken in Finland. Each one of these languages may be used before courts, other State authorities and institutions and before the authorities of municipalities and other self-governing communities, mainly in the Sami Homeland, as well as in the Sami Thing. The Sami Homeland means the areas of the municipalities of Enontekiö, Inari and Utsjoki, as well as the northern part of the municipality of Sodankylä. Most of the Sami living in Finland speak the Northern Sami language.

335. An amendment to the Constitution Act (973/1995) entered into force at the beginning of 1996, guaranteeing the right of the Sami as an indigenous people to cultural autonomy in respect of their language and culture. The cultural autonomy is exercised in accordance with the Act on the Sami Thing (974/1995) which entered into force at the same time as the amendment to the Constitution Act. "The authorities shall negotiate with the Sami Thing in all far-reaching and important measures which may directly and in a specific way affect the status of the Sami as an indigenous people and which concern, inter alia, the development of the teaching of and in the Sami language at schools, as well as the social and health services."

336. In 1995 the Ministry of Justice assigned the Northern Institute for Environmental and Minority Law of the University of Lapland the task of elaborating a report on the development of the capacity of the Sami Thing to deal with social matters. The report by the Institute (concerning social participation and cultural autonomy of the Sami in Finland) was published in 1997 (publication No. 2/1997 of the Ministry of Justice).

337. At present, Sami children live in different surroundings than their parents and ancestors, whose work, games, habits and family members were in closer contact with nature and their surroundings. The environment supported the development and preservation of a Sami child's identity based on language and culture. Along with the Western lifestyle and supranational culture, Sami children at present live in a society with two cultures where the Sami are a minority, with the exception of the municipality of Utsjoki. Social services (children's day care, family welfare offices, social work) have not adequately been able to meet challenges brought by changes, but the strengthening of the child's cultural identity is more and more a responsibility of the parents. There are few services for children in the Sami language, such as day-care places, radio and television programmes and culture. Day-care places in the Northern Sami language exist to some extent in the municipality of Inari, but in the municipalities of Enontekiõ and Sodankylä the children have no access to day care in the Sami language.

338. According to the existing school legislation, Sami children living in the Sami Homeland may be taught in the Sami language. As regards comprehensive schools, it is clearly provided that pupils who have the Sami language as their mother tongue and who live in the Sami Homeland shall be given education also in the Sami language (the Comprehensive Schools Decree 1174/1992). However, there are no provisions specifying quantity of education to be given in the Sami language. This deficiency should be removed in the new school legislation. It is proposed in the Government Bill for the new school legislation (HE 86/1997 vp) that the education of pupils speaking the Sami language and living in the Sami Homeland should be given mainly in the Sami language. According to the proposed provision the municipalities in question would be under an obligation to arrange education in the Sami language, either alone or in cooperation with other municipalities, if even one pupil so demands.

339. Under the existing school legislation the Sami language may be taught as the mother tongue of pupils. In such a case Finnish is usually studied either as a second language or as a second mother tongue. In the above-mentioned Government Bill, the status of the Sami language as a mother tongue has been emphasized. According to the Government Bill, Finnish, Swedish and the Sami language could be taught as a mother tongue. A small minority group must naturally be able to speak the majority language of the country; functional bilingualism is therefore an important objective of the education.

340. The Ministry of Education set up a working group on 1 April 1998 to examine the need for financing for the education of and in the Sami language, in the light of the Government Bill (HE 86/1997) under consideration in Parliament. The Ministry of Education finds it important for the positive development of education in the Sami language to continue and it is prepared, if necessary, to submit a proposal for amending the financing system.

341. In the opinion of the Ministry of Education, the present situation of education of and in the Sami language is satisfactory and in accordance with the law. The municipalities in the Sami Homeland have arranged education in the Sami language even in the school year 1997/98, although the numbers of pupils may have been very small. Education in the Northern Sami language was given at all schools of the municipality of Utsjoki, i.e. at primary schools (all subjects), secondary schools and the upper secondary school (some subjects). Education in the Skolt Sami language was given in some subjects at one primary school. No education was given in the Inari Sami language. Also, the municipality of Enontekiö has provided education in the Sami language to some extent. In total 600 pupils have participated every year in the education in and of the Sami language throughout the 1990s.

342. As there are three different Sami languages spoken in Finland, it is natural that there are problems in providing education in them. It is noted in the report submitted by the Sami Thing in 1996 that, according to information gathered by the Sami Parliament in 1995, there were 2,450 persons speaking the Sami language as their mother tongue, of whom 70-80 per cent spoke Northern Sami, whereas only a few hundred people spoke Inari Sami and Skolt Sami.